

NOTICES

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0229460	Abbott Township 1431 Germania Road Galeton, PA 16922-9445	Abbott Township Potter County	Germania Branch of Kettle Creek 9B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0044652 Sewerage	Department of Conservation and Natural Resources Bureau of State Parks Mt. Pisgah State Park R. R. 3 Box 362 Troy, PA 16947-9488	West Burlington Township Bradford County	Mill Creek 4C	Y

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

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

PA0054089, Industrial Waste, SIC 4581, **Exelon Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Activity: Treated discharge of aircraft wastewater and the stormwater runoff from the fuel transfer area around Limerick airport by means of an oil-water separator.

The receiving stream, UNT Hartenstein Creek, is in the State Water Plan Watershed 3D and is classified for WWF, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics. The nearest downstream public water supply intake for Citizens Utility Home Water Company is located on Schuylkill River and is 7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an effluent discharge of average stormwater flow.

Effluent Limitations

<i>Parameters</i>	<i>Daily Maximum</i>
Total Recoverable Petroleum	Monitor and Report
Hydrocarbons	Monitor and Report
Gasoline Range Organics	Monitor and Report
Diesel Range Organics	Monitor and Report
pH	Monitor and Report
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
Total Suspended Solids	Monitor and Report
Iron (Dissolved)	Monitor and Report
Ethylene Glycol	Monitor and Report

The proposed effluent limits for stormwater Outfall 003:

Effluent Limitations

<i>Parameters</i>	<i>Daily Maximum</i>
Primary Ingredient in De-icing Material	Monitor and Report
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Iron (Dissolved)	Monitor and Report
Ethylene Glycol	Monitor and Report

No monitoring required for stormwater Outfalls 002 and 004—008.

In addition to the effluent limits, the permit contains the following Other Requirements:

1. Public Nuisance.
2. Applicable BAT/BCT.
3. Change in Ownership.
4. Proper Disposal of Sludges.
5. Product Contaminated Stormwater Runoff.
6. PPC Plan Requirements.
7. Requirements Applicable to Stormwater Outfalls.

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

PA No. 0060763, Sewage, **Middle Smithfield Township Municipal Authority**, 25 Municipal Drive, East Stroudsburg, PA 18301. This proposed facility is located in Middle Smithfield Township, **Monroe County**.

The receiving stream, Bushkill Creek, is in the State Water Plan Watershed No. 1E and is classified for HQ-CWF. The nearest downstream public water supply intake for Stroudsburg is located on Delaware River is downstream of the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.050 mgd. Existing conditions.

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3.5		7
(11-1 to 4-30)	10.5		21
Dissolved Oxygen	A minimum of 6.0 mg/l at all times		
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		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	1.2		2.8
Total Dissolved Solids	1,000		2,000

The proposed effluent limits for Outfall 001 based on a design flow of 0.050 mgd. Reconstructed Treatment Plant.

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD ₅	8.5		17.0
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.5		7.0
Phosphorus as "P"	0.42		0.84
Dissolved Oxygen	a minimum of 6.0 mg/l at all times		
Fecal Coliform	70/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	1.2		2.8
Total Kjeldahl Nitrogen	5.2		10.4
Nitrogen Nitrate	4.0		8.0
Total Dissolved Solids	1,000		2,000

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

PA0003239, Industrial Waste, SIC, 3317, **Penn State Special Metals, LLC**, 7544 Route 18 North, P. O. Box Q, Koppel, PA 16135. This application is for renewal of an NPDES permit to discharge treated process water, cooling water, and untreated stormwater from Koppel Plant in Big Beaver, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Beaver Falls Municipal Authority, located at Eastvale, 6.0 miles below the discharge point.

Outfall 113: existing discharge, design flow of 0.0635 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids	34.0	79.4	15	40	
Oil and Grease	0.805	2.42	10	30	
Chromium	0.423	1.056	0.1	0.3	
Nickel	0.316	0.948	0.1	0.3	
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 013: existing discharge, design flow of 0.245 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This outfall shall consist solely of sources previously monitored at Internal Monitoring Point 113 and uncontaminated stormwater runoff.					

The EPA waiver is not in effect.

PA0217026, Industrial Waste, SIC 3443, **Cemline Corporation**, P. O. Box 55, Cheswick, PA 15024. This application is for renewal of an NPDES permit to discharge untreated cooling water, drinking fountain water, tank test water and stormwater runoff from the Cemline Freeport Road facility in Harmar Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Oakmont Borough Municipal Authority, located at Oakmont, about 1 mile below the discharge point.

Outfalls 001: existing discharge, average flow of 0.007 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Temperature (°F) (for 001 only)					110
Total Iron			Monitor and Report		
Dissolved Iron					7.0
pH	not less than 6.0 nor greater than 9.0				

Outfalls 002 and 003: existing discharge, average flow of 0.0004 mgd (002) and 0.0004 mgd (003).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Phenols			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfalls 005—007: existing discharge of varied flows.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			Monitor and Report		

Outfalls 004 and 008 shall consist solely of uncontaminated stormwater.

The EPA waiver is in effect.

PA0046019, Industrial Waste, SIC, 5541, 5812, 5399, **North East, LLC**, One Center Drive, North East MD 21901. This application is for renewal of an NPDES permit to discharge treated sewage, stormwater runoff and garage floor drainage from Smithton Travel Plaza in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, drainage swale to UNT (Dutch Hollow) to Youghiogheny River (001—006), classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is McKeesport Municipal Water Authority, located on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.020 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD ₅			10		20
Suspended Solids			10		20
Ammonia Nitrogen (5-1 to 10-31)			3		6
(11-1 to 4-30)			9		18
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 5.0 mg/l				
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, vehicle fuel island area storm runoff and garage floor drains through oil/water separators.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅			25		50
Total Suspended Solids			35		70
Oil and Grease			15		30
Nitrate-Nitrite Nitrogen			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, parking area stormwater runoff through oil/water separator.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅			25		50
Oil and Grease			15		30
Nitrate-Nitrite Nitrogen			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfalls 004—006: existing discharges, parking area stormwater runoff.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Nitrate-Nitrite Nitrogen			Monitor and Report		

The EPA waiver is in effect.

PA0217948-A1, Industrial Waste, SIC 4941, **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717. This application is for an NPDES permit to discharge treated process wastewater, untreated stormwater runoff and untreated surface water diverted to the Sugar Run Reservoir in St. Clair Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Conemaugh River 44984, 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 the Buffalo Township Municipal Authority, located on Allegheny River, about 40 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.165 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron, total			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH (standard unit)	not less than 6.0 nor greater than 9.0 standard units				

Outfalls 002 and 003: existing stormwater discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge through these outfalls shall consist of uncontaminated stormwater runoff only.					

Outfall 004: existing emergency-only discharge from finished water storage tank, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron, total			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH (standard unit)	not less than 6.0 nor greater than 9.0 standard unit				

Outfall 006: existing stream diversion discharge, design flow of 0.634 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)		0.634			
pH (standard unit)	Monitor and Report				

Outfall 007: existing stream diversion discharge, design flow of 0.688 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)		0.688			
pH (standard unit)	Monitor and Report				

The EPA waiver is in effect.

PA0036307-A1, Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This application is for amendment of an NPDES permit to discharge treated sewage from Moon Run Sewage Treatment plant in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Moon Run, which are classified as 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 Nova Chemicals, Beaver Valley Plant, on the Ohio River.

Outfall 001: existing discharge, proposed expanded design flow of 0.6 mgd.

The following effluent limitations will apply when the treatment plant is expanded to a flow of 0.6 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.3		7.0
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			
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.

PA0090018, Sewage, **North Strabane Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from Willolake Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Chartiers 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 West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.14 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10	15		20
Suspended Solids	25	37.5		50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.3		7.0
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			
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.

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

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

WQM Permit No. WQG01490602, Sewerage, **Penns Tavern**, 420 Whiskey Ridge Road, Middleburg, PA 17842. This proposed facility is located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: The proposed system consists of a 1,000 gallon septic tank, a 1,000 gpd aerobic tank, a 500 gallon pump tank, a 864 square foot sand filter, an erosion chlorinator and a chlorine contact tank, with a stream discharge.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024806032	T & B Associates 2299 Brodhead Road Suite C Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Bushkill Creek HQ-CWF
PAS804801	The Pennsylvania State University University Park Airport 2535 Fox Hollow Road State College, PA 16803	Centre	Benner, Patton and College Townships	Big Hollow and UNT to Spring Creek (CWF) and Buffalo Run (CWF-HQ)

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 (35 P. S. §§ 721.1—721.17)

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

Permit No. 6306502MA, Public Water Supply.

Applicant	Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Township or Borough	Jefferson Township
Responsible Official	Scott M. Thomas, Operations Engineer Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Avella water storage tank
Consulting Engineer	
Application Received Date	October 23, 2006
Description of Action	Blasting and painting of the Avella Tank.

Permit No. 3206501MA, Public Water Supply.

Applicant	Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Township or Borough	White Township
Responsible Official	Scott M. Thomas, Operations Engineer Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Pleasant Hills water storage tank
Consulting Engineer	
Application Received Date	October 23, 2006
Description of Action	Blasting and painting of the Pleasant Hills Tank.

Permit No. 0206512, Public Water Supply.

Applicant	Findlay Township Municipal Authority 1271 Route 30 P. O. Box 409 Clinton, PA 15026
Township or Borough	Findlay Township
Responsible Official	Patrick O'Farrell, Authority Chairperson Findlay Township Municipal Authority 1271 Route 30 P. O. Box 409 Clinton, PA 15026
Type of Facility	Potato Garden Run Phase I Water System
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis PA 15108
Application Received Date	October 17, 2006
Description of Action	Installation of 24,700 feet of 12 inch and 16 inch ductile iron transmission line, a 1.5 MG water standpipe, disinfection facility and booster pump station.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant	Zack Group, Inc Black Creek Township Luzerne County
Responsible Official	Thomas Sawchak 247 Kathleen Drive Peckville, PA 18452
Type of Facility	Community Water System
Consulting Engineer	N/A
Application Received Date	October 31, 2006
Description of Action	Application for transfer of the community water system serving Zack's Rock Glen Manor from Joyce Zakrewsky to Zack Group, Inc.

Application No. Minor Amendment

Applicant	Pennsylvania American Water Co. Hamilton Township Monroe County
Responsible Official	Paul A. Zielinski PAWC 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water System

Consulting Engineer	Scott M. Thomas, P. E. PAWC 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	10/24/2006
Description of Action	PAWC proposes to repaint/rehabilitate the existing 0.5 MG storage tank known as Stony Garden Tank No. 2.

WATER ALLOCATIONS

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

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

WA65-1000A, Water Allocations. **Youngstown Borough Water Authority**, P. O. Box 82, Youngstown, PA 15696, **Westmoreland County**. The applicant is requesting the right to purchase 500,000 gallons of water per day, peak month (30-day), from Latrobe Borough Municipal Authority.

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:

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

Polysat, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Env., Svc., Inc., 215 W Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of other organics and semivolatile organics. The intended future use of the property will continue to be nonresidential.

Essington Ave Prop Redev, Project, City of Philadelphia, **Philadelphia County**. Gerald Kirkpatrick, Env. Svc., Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Kevin Kyle, Essington Ave., Partners, LLP, 2701 Renaissance Blvd., 4th Floor, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of VOCs, PAHs and metals. The future use of the land at the site is expected to be nonresidential/commercial.

Dupont Glenolden Facility, Glenolden Borough, **Delaware County**. Paul Michaels, Jacques Whitford Company, 450 S. Gravers Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of Kyle Rosato University of Pennsylvania, 3160 Chestnut St., Suite 400, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of arsenic, VOCs and PAHs. The future use of the property will remain the same.

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

Steelton Highspire Elementary School, Steelton Borough, **Dauphin County**. Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Steelton Highspire School District, Swatara Street and Reynders Avenue, Steelton, PA 17113, submitted a Notice of Intent to Remediate site soils contaminated with PAHs and benzo(a)pyrene. The applicant seeks to remediate the site to a Site-Specific Standard. The property is an elementary school and will remain a school in the future.

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

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit Application No. 101662. Conshohocken Rail, LLC, 1025 Bundy Road, Youngstown, OH 44509, Plymouth Township, **Montgomery County**. A major permit modification was received for the proposed rail transfer of construction and demolition waste at the existing Conshohocken Rail, LLC transfer facility. The application was received by Southeast Regional Office on October 31, 2006.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first.

Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

06-05025B: Morgan Corp. (P. O. Box 588, 35 Thousand Oaks Boulevard, Morgantown, PA 19543-0588) for installation of a new paint booth with High Volume Low Pressure spray guns in Caernarvon Township, **Berks County**. This source will be controlled by the use of dry filters to control PM emissions.

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

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

09-0122B: Arkema, Inc. (100 PA Route 413, Bristol, PA) for optimization of the spray dryer process in Bristol Township, **Bucks County**. This facility is a Title V facility. This installation will result in VOC emissions increase of less than 6 tons per year. The Plan approval and operating permit will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

19-304-008E: Benton Foundry, Inc. (5297 SR 487, Benton, PA 17814-9550) for construction of a new 100 ton per hour sand muller, one mold making system and three PUCB core machines to be controlled by a packed bed amine scrubber at their facility in Sugarloaf Township, **Columbia County**. The plan approval application also

proposes to modify existing sources at the foundry to increase production from 30,000 tons of metal to 45,000 tons of metal used to produce metal castings in any 12-consecutive month period. Additionally, the company proposes to install three new fabric collectors to control particulate emissions. The new fabric collectors will replace three existing fabric collectors, which used to control particulate emissions at the facility. The facility is a State-only facility.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by Benton Foundry indicates that the sources and the air-cleaning devices will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated in an operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue plan approval for the construction of a new 100 ton per hour sand muller, one mold making system and three PUCB core machines to be controlled by a packed bed amine scrubber, the installation of the three new fabric collectors, and the modification of the existing foundry sources to increase the production at the foundry. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not pour more than 45,000 tons of metal into the molds in any 12-consecutive month period. Additionally, the sources at the facility shall not operate in excess of 6,000 hours in any 12-consecutive month period. This condition supersedes conditions Nos. 10 and 13 of operating permit 19-304-008B.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not process in excess of 315,000 tons of sand in any 12-consecutive month period from all sources at the facility.

3. The permittee shall not emit equal or greater than 100 tons of CO in any 12-consecutive month period. Additionally, the permittee shall not emit PM/PM10 in any 12-consecutive month period. This condition supersedes condition No. 11 of operating permit 19-304-008B.

4. The permittee shall keep records of the following information:

a. The amount of metal poured into the molds each month and the corresponding totals in any 12-consecutive month period.

b. The amount of hours the sources at the foundry are operated each month and the corresponding totals in any 12-consecutive month period.

c. The amount of sand processed from all sources at the facility each month and the corresponding totals in any 12-consecutive month period

d. The total CO emissions from all sources at the facility each month and the corresponding totals in any 12-consecutive month period.

e. The total PM/PM10 emissions from all sources at the facility each month and the corresponding totals in any 12-consecutive month period.

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

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 shall consist of the following sources:

a. Two four ton Electric Induction Furnaces.

b. Two ten ton Electric Induction Furnaces.

c. One 5.6 mmBtu/hr Vanetta propane fired scrap dryer.

d. One 7.35 mmBtu/hr Vanetta propane fired scrap dryer.

e. One 100 ton per hour Beardsley and Piper model 100B-250 sand muller

f. One 100 ton per hour Beardsley & Piper model 100-B sand muller

The air contaminant emissions from all sources listed above shall be controlled by a Dustex model 3600-14-70 fabric collector (ID C110).

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the Dustex model 3600-14-70 fabric collector (ID C110) associated with Source ID P110 shall not exceed 0.005 grain per dry standard cubic foot. Additionally, there shall be no visible emissions from the exhaust of the Dustex model 3600-14-70 fabric collector (ID C110).

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P120 shall consist of the following sources and are located in the finishing department.

a. Eight Fox/Vulcan Grinders.

b. One Burr King model 960-400 belt grinder.

c. One Wheelabrator 14 cubic foot super tumblast machine.

d. One Wheelabrator 28 cubic foot super tumblast machine.

e. One Wheelabrator spinner hanger.

The air contaminant emissions from the sources listed above shall be controlled by a Dustex model PC-100 cyclone (ID C120A) and a Dustex model 3630-14-30 fabric collector (ID C120B) operating in series.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the existing Dustex model 3630-14-30 fabric collector (ID C120B) associated with Source ID P120 shall not exceed 0.01 grains per dry standard cubic foot. Additionally, there shall be no visible emissions from the exhaust of the Dustex model 3630-14-30 fabric collector (ID C120B) associated with Source ID P120. This condition supersedes condition No. 9 of operating permit 19-304-008B.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P130 is a sand handling operation and shall consist of the following sources:

a. Magnetic separator.

b. 1st and 2nd screens.

c. General Kinematics model #SCSC72 sand cooler.

d. Sand cooler discharge belt.

- e. Three sand tanks.
- f. Two bucket elevators.
- g. Casting conveyor transfer point.
- h. Sand cooler inlet belt.
- i. Blender belt.
- j. Didion model No. MD-100 shake out drum.
- k. Didion sand discharge conveyor.
- l. Didion sand discharge side draft hood.

The air contaminant emissions from the sources listed above shall be controlled by two Dustex model 3600-14-70 fabric collectors (IDs C130A and C130B) operating in parallel.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from each of the exhausts of the two Dustex model 3600-14-70 fabric collectors (ID C130A and C130B) associated with Source ID P130 shall not exceed 0.005 grain per dry standard cubic foot. Additionally, there shall be no visible emissions from the exhausts of the two Dustex model 3600-14-70 fabric collectors (ID C130A and C130B) associated with Source ID P130.

11. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip the Dustex model 3600-14-70 fabric collector (ID C110), the Dustex model 3630-14-30 fabric collector (ID C120B), and the two Dustex model 3600-14-70 fabric collectors (ID C130A and C130B) with instrumentation which continuously monitors the pressure drop across the collectors.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall record the pressure drop across the Dustex model 3600-14-70 fabric collector (ID C110), the Dustex model 3630-14-30 fabric collector (ID C120B), and the two Dustex model 3600-14-70 fabric collectors (ID C130A and C130B) at least once per day. These records shall be kept onsite for a minimum of 5 years and shall be presented to the Department upon request.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient number of spare fabric collector bags to replace any bag of the fabric collectors that requires replacement immediately.

14. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressor that supplies compressed air to the fabric collectors shall be equipped with an air dryer and oil trap.

15. (a) Within 120 days of the installation of the fabric collectors (ID C110, C120, C130A and C130B), the permittee shall conduct particulate matter stack testing (EPA Method 5) upon the exhaust of each fabric collectors to determine compliance with the PM emission limitations for the collectors associated with the sources.

(b) At least 60 days prior to the performance of the stack testing required by this condition, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(c) The Department shall be given at least 14 days advance notice of the scheduled dates for the performance of the stack testing required by this condition.

(d) Within 60 days of the completion of the stack tests required by this condition, two copies of the test reports

shall be submitted to the Department. The reports shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data and a copy of all calculations generated during data analysis.

16. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P150 is a shell coremaking operation and shall consist of the following sources:

- a. Four B and P model SF6 machines.
- b. Two B and P model 104 machines.
- c. One propane fired shell core oven.

The only resin to be used in the shell core making operations (Source ID P150) shall be Borden Super F E19E19 unless prior approval is granted by the Department to use an alternative resin. Additionally, the core oven associated with the shell core making operations (Source ID P150) shall only be fired on propane.

17. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 Source ID P160 is a Palmer mixer model M-200 pepset coremaking machine. The only binders to be used in Source Id P160 shall be Pepset 1,670 and Pepset 2,670 unless prior approval is granted by the Department to use alternative binders. Additionally, the only catalyst to be used shall be Pepset Catalyst 3,850 unless prior approval has been granted by the Department to use an alternative catalyst.

18. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P170 is a mold making operation and shall consist of the following sources:

- a. One Hunter model HMP10C mold machine.
- b. One Hunter model HM10C mold machine.
- c. One Hunter model HMP20C mold machine.
- d. One B & P model 2016 Mach Blomate mold machine.
- e. Three Osborne model 3161-12 mold machines.
- f. Two International squeeze machines.
- g. Two Disamatic model 130 mold machines.

The mold making operation includes the use of a mold release agent. The only mold release agent to be used in Source ID P170 shall be International Foundry Supply No. 4 liquid Parting mold release agent unless prior approval is granted by the Department to use an alternative mold release agent.

19. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the mold making operations (Source ID P170) shall not exceed 10.21 tons in any 12-consecutive month period. Additionally, the permittee shall not use more than 5,250 gallons of International Foundry Supply No. 4 liquid Parting mold release agent in any 12-consecutive month period.

20. The permittee shall keep record of the following:

a. The amount of mold release agent used each month and the corresponding totals in any 12-consecutive month period to verify compliance with the 12-consecutive month usage limitation.

b. The VOC emissions from the mold making operations (Source ID P170) each month and the corresponding totals in any 12-consecutive month period to verify compliance with the 12-consecutive month VOC emission limitation.

c. The MSDS and CPDS for the mold release agent used in Source ID P170.

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

21. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall use causticized lignite as a seacoal replacement in the process sand. The causticized lignite shall be at least 22.5% by weight of the carbonaceous material.

22. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P180 consists of the Pouring/Cooling/Shakeout operations at the facility. Additionally, the permittee shall not emit the following air contaminants in excess of the following rates from the Pouring/Cooling/Shakeout operations (Source ID P180).

- a. CO—89.78 tons in any 12-consecutive month period.
- b. NO_x—0.23 tons in any 12-consecutive month period.
- c. SO_x—0.45 tons in any 12-consecutive month period.
- d. VOCs—14.01 tons in any 12-consecutive month period
- e. Total HAPs—9.17 tons in any 12-consecutive month period

23. The permittee shall keep records of the emissions of CO, NO_x, SO_x, VOCs and total HAPs each month and the corresponding totals in any 12-consecutive month period to verify compliance with CO, NO_x, SO_x, VOC and HAPs emission limitations in any 12-consecutive month period. These records shall be kept on site for a minimum of 5 years and shall be presented to the Department upon request.

24. Source ID P140 is a Isocure coremaking operation consisting of the following:

- a. One B and P model SB6 CC129 machine.
- b. One B and P model SB6 CC120 machine.
- c. One B and P model SB6 CC131 machine.
- d. One B and P model SB CC112 machine.
- e. One Gaylord model SATO-155 machine.
- f. Three new Gaylord model 24VTBS machines.

25. Under to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from all core machines of Source ID P140 shall be controlled by a new Gaylord Foundry Equipment model 15000A-3 packed tower amine scrubber (ID C140). The new scrubber shall be installed and operated no later than December 31, 2007. However, the above sources shall be controlled by the existing Gaylord model 6000A-3 amine counter current vertical packed bed scrubber until the new scrubber will install and operated. The existing scrubber shall be operated as specified in operating permit 19-304-008E.

26. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC and total HAP emissions from the Isocure coremaking operations (Source ID P140) shall not exceed 5.06 tons and 0.48 ton in any 12-consecutive month period respectively.

27. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the pH of the scrubbing solution used in the new Gaylord Foundry Equipment model 15000A-3 packed tower amine scrubber (ID C140) shall not be greater than 4.5 at any time the scrubber is in operation.

28. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the new Gaylord Foundry Equipment model

15000A-3 packed tower amine scrubber's (ID C140) flow rate shall be at least 190 gallons per minute.

29. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the new Gaylord Foundry Equipment model 15000A-3 packed tower amine scrubber (ID C140) shall be equipped with instrumentation which continuously monitors the flow rate and pH of the scrubbing solution.

30. The permittee shall keep records of the following:

a. The pH of the scrubbing solution in the new Gaylord Foundry Equipment model 15000A-3 packed tower amine scrubber (ID C140) (to be recorded once per day.)

b. The identity of the binders and catalyst used in the Isocure coremaking operation (Source ID P140).

c. The flow rate of the scrubbing solution of new Gaylord Foundry Equipment model 15000A-3 packed tower amine scrubber's (ID C140) recirculation system (to be recorded once per day.)

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

31. Source ID P200 consists of the surface coating operations. The surface coating operations are subject to the requirements of 25 Pa. Code § 129.52 relating to surface coating operations. The permittee shall comply with all applicable requirements of 25 Pa. Code § 129.52 including the recordkeeping requirements of 25 Pa. Code § 129.52(c).

32. Conditions contained in operating permit 19-304-004B remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in the plan approval and a condition contained in operating permit 19-304-008B, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in operating permit 19-304-008B.

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

17-302-024: Clearfield Area School District (438 River Road, Clearfield, PA 16830) for the construction of a 10 million Btu per hour wood-fired boiler at the Clearfield Middle School in Lawrence Township, **Clearfield County**.

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

PM emissions from the boiler will be controlled by a cyclone collector. The air contaminant emissions from the boiler, after control, are not expected to exceed 5.98 tons of NO_x, 5.39 tons of CO, 9.86 tons of PM₁₀, .13 ton of VOC_x and .07 ton of SO_x per year.

The Department of Environmental Protection's (Department) review of the information submitted by the Clearfield Area School District indicates that the proposed boiler should comply with all applicable regulatory requirements pertaining to air contamination sources and

the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval.

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

1. The boiler shall only be fired on green or kiln-dried virgin wood. At no time shall particleboard, flakeboard, wood treated with a preservative, coated wood, wood with laminate attached, construction and demolition waste or any other material (other than green or kiln-dried virgin wood) be burned in the boiler.

2. The boiler shall not be operated more than 6,576 hours in any 12-consecutive month period.

3. The cyclone collector shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.

4. The PM emissions from the boiler shall not exceed .3 pound per million Btu of heat input, the NO_x emissions shall not exceed .182 pound per million Btu of heat input and the CO emissions shall not exceed .164 pound per million Btu of heat input. Additionally, PM, NO_x and CO emissions shall not exceed 9.86, 5.98 and 5.39 tons, respectively, in any 12-consecutive month period.

5. The collected ash discharge system incorporated in the cyclone collector shall remain sealed from the open air at all times except when changing ash containers.

6. Within 180 days of commencement of boiler operation, the permittee shall perform stack testing upon the boiler to determine its particulate matter emission rate.

7. Comprehensive accurate records shall be maintained of the number of hours the boiler is operated each month as well as the amount of wood burned each month.

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

Clean Earth of Philadelphia (3201 South 61st Street, Philadelphia, PA 19153) to Increase the allowable SO₂ emission rate for the Thermal Desorption Unit from 18.2 pounds per hour and 45 tons per rolling 12-month period to 57.0 pounds per hour and 97 tons per rolling 12-month period in the City of Philadelphia, **Philadelphia County**. The SO₂ emission concentration limits will remain a monthly average of 310 ppm of SO₂ by volume adjusted to 12% CO₂ and annual average of 250 ppm of SO₂ by volume adjusted to 12% CO₂. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

54-00009: Omnova Solutions, Inc. (95 Hickory Drive, Auburn, PA 17922) for a renewal Title V Operating Permit for a decorative building products facility in West Brunsick Township, **Schuylkill County**. The facility sources include: two boilers, one hot oil furnace, one

pump house heater, two printer lines, four calender lines, three embosser lines, one ink mix room, one UV coater, one proof press, two storage tanks, seven emergency generators, two water pumps, one surface coating line/mix room and one thermal oxidizer. These sources have the potential to emit major quantities of VOC emissions above the Title V emission thresholds. The proposed renewal Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

22-03017: Hoover Funeral Homes & Crematory, Inc. (6011 Linglestown Road, Harrisburg, PA 17112) for operation of a human crematory in Lower Paxton Township, **Dauphin County**. This action is a renewal of the previous operating permit issued in 2001.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining

which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

30841602 and NPDES Permit No. PA0215562. Duquesne Light Company (P. O. Box 547, Greensboro, PA 15338). To renew the permit for the Warwick Mine No. 2 Preparation Plant in Monongahela Township, **Greene County** and related NPDES permit for water treatment and reclamation only. No additional discharges. Application received: October 6, 2006.

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

Permit No. 5601015 and NPDES No. PA0249068. Godin Bros, Inc. (128 Colton Drive Stoystown, PA 15563). Permit renewal for reclamation only of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 34.8 acres. Receiving stream: UNTs to/and Quemahoning Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority Quemahoning. Application received: October 27, 2006.

Permit No. 56860104 and NPDES No. PA0597601. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552-7228). Permit renewal for reclamation only of a bituminous surface mine and maintain passive water treatment in Brothersvalley and Summit Townships, **Somerset County**, affecting 507 acres. Receiving streams: UNTs to/and Blue Lick Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 30, 2006.

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

03860111 and NPDES Permit No. PA0589144. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Revision application to operations and to add fly ash to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 667.4 acres. Receiving streams: UNT to Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: November 6, 2006.

03060104 and NPDES Permit No. PA0250996. Short Brothers, Inc. (15 Rayne Run Road, Marion Center, PA 15759). Application for commencement, operation and reclamation of a bituminous surface mine, located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: UNTs water supply intake within 10 miles downstream from the point of discharge. Application received: November 6, 2006.

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

54061302 and NPDES Permit No. PA0224341. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983). Commencement, operation and restoration of an anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in Porter Township, **Schuylkill County** affecting 756.0 acres, receiving stream: Wiconisco Creek, classified for the following use: CWF. Application received: October 20, 2006.

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:

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

¹ The parameter is applicable at all times.

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

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

8074SM2C5 and NPDES Permit No. PA0012904. Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitmarsh Township, **Montgomery County**, receiving streams: Lorraine Run, classified for the following use: TSF and UNT of Plymouth Creek, classified for the following use: WWF. Application received: November 8, 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 FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-904. David R. Anderson, 27 Ring's End Road, Darien, CT 06820, Springfield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain 24 linear feet of twin 29 inch by 45 inch reinforced concrete pipe arch culvert in and along a UNT to Cooks Creek (EV) for the driveway access to a proposed single family residence. This project is located approximately 1,500 feet south of the intersection Adam's Way and SR 212. (Hellertown, PA USGS Quadrangle N: 11.1 inches, W: 2.5 Inches).

E46-766. Manufacturers Golf & CC, 511 Dresher-town Road, Fort Washington, PA 19034-0790, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To modify the cross section of the 100-year floodway along Sandy Run (TSF by excavating near holes 10 and 17 at the manufacturers golf course as part of an effort to restore a 300-foot segment of stream with natural channel design techniques. This project is located approximately 2,000 feet east of the intersection twining road and SR 152 (Ambler, Pa USGS Quadrangle N: 2.5 inches; W: 6.4 inches).

E09-903. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Upper Makefield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a replacement for an existing bridge, SR 0032—Section 68S (River Road), over the Delaware Canal (TSF) with a prestressed concrete adjacent box beam bridge on the existing alignment. The width of the proposed bridge will be increased so that the clear roadway width over the canal is 32.5 feet. The total clear span of the proposed bridge is 51 feet over the Delaware Canal and a minimum 7.0 feet underclearance. In addition, the new abutment on the towpath will be moved 3 feet. Also, two access driveways to both the Stoney Run aqueduct and the Canal Towpath and minor approach roadway work will be completed as part of the bridge replacement.

This site is located in the floodplain of the confluence of the Delaware River and Jericho Creek (Lambertville PA-NJ USGS Quadrangle N: 11.6 inches; W: 3.9 inches).

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

E44-131: Genevieve McCardle, 12007 Ferguson Valley Road, Lewistown, PA 17044 in Granville Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain a 14.0-foot wide single span bridge having a clear span of 30.0 feet and an underclearance of 4.5 feet across Buck Run (TSF). The project is located off Route 22/322 at Burnham/Yeagertown exit, 2.5 miles south on SR 4013 (Ferguson Valley Road) towards Jack Mountain (Lewistown, PA Quadrangle N: 20.06 inches; W: 15.81 inches; Latitude: 40° 36' 37" 6"; Longitude: 77° 36' 50") in Granville Township, Mifflin County.

E38-151: Twin Grove Campground, Inc., 1445 Suedberg Road, Pine Grove, PA 17963, Union Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: 1) a 7.5-foot wide pedestrian bridge with a span of 79.0 feet and an average minimum underclearance of 0.65 foot; 2) a 7.5-foot wide pedestrian bridge with a span of 112.0 feet and an average minimum underclearance of 0.85 foot; 3) a 7.5-foot wide pedestrian bridge with a span of 69.0 feet and an average minimum underclearance of 0.65 foot; 4) a 7.5-foot wide wooden pedestrian bridge with a span of 80.0 feet and an average minimum underclearance of 0.75 foot; 5) a 6.0-inch outfall pipe; 6) a 8.0-inch sanitary sewer line crossing; to maintain a) an existing 18.0-inch stream enclosure with a length of 460.0 feet; b) an existing 12.0 inch outfall pipe; c) four existing 18.0 inch outfall pipes; d) an existing 41.0-foot long, 36.0 inch pipe stream crossing; to rehabilitate, operate and maintain a deck of an existing bridge; to remove an existing 36.0 inch pipe and construct and maintain a 5.75-foot by 8.17-foot pipe arch for the purpose of facilitating the development of Twin Grove Campground. All activities are located in and along UNTs to Swatara Creek (CWF). The project is located along Route 443 North of Lickdale and west of the Schuylkill County line (Tower City, PA Quadrangle N: 3.1 inches; W: 1.7 inches; Latitude: 40° 30' 54"; Longitude: 76° 30' 47") in Union Township, Lebanon County.

E06-615, Lyons View Estates, the Development Group, LLC, 119 West Lancaster Avenue, Shillington, PA 19607, in Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To relocate and maintain 1,630 feet of an ephemeral watercourse within a 30-foot long 15" SLCPP and a 1,600-foot long 30" SLCPP in the Sacony Creek (CWF) watershed for the purpose of constructing the proposed Huntly Drive and to construct and maintain a sanitary sewer and waterline crossing of the UNT. The impacts are associated with a subdivision known as Lyons View Estates located on the North side of Lyons Road approximately 2,000 feet South of Fleetwood Road (Fleetwood, PA Quadrangle; N: 18 inches, W: 0 inch; Latitude: 40° 28' 25", Longitude: 75° 45' 0") in Maxatawny Township, Berks County.

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

E02-1356 A1. The Municipal Authority of the Township of Robinson, P. O. Box 15539, Pittsburgh, PA 15539. To amend permit No. E02-1356 to place wetland fill in Robinson Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 15.2 inches; W: 15.8 inches and Latitude: 40° 27' 28"—Longitude: 80° 06' 54"). The applicant proposes to amend Permit No. E02-1356 to include placing and maintaining fill in 0.077 acre of wetlands and along the left bank of Moon Run (WWF) for the purpose of upgrading the existing Moon Run STP facility. The project is located on the north side of Aiken Road, just north from the intersection of Aiken Road and Moon Run. The applicant proposes to mitigate 0.063 acre of wetlands to compensate for wetland impacts.

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

E03-442, Redbank Valley Municipal Authority, 243 Broad Street, New Bethlehem, PA 16242. Sanitary Sewer Project, Grant Street pump station in floodplain of Redbank Creek, in South Bethlehem Borough, **Armstrong County**, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 41, 00', 06"; W: 79, 20', 16").

To construct and maintain a sanitary sewage pump station and associated grading and fill within the left 100-year floodplain and floodway of Redbank Creek approximately 1,500 feet downstream of the SR 839 bridge in South Bethlehem Borough, Armstrong County. This activity is part of the Redbank Valley Municipal Authority's sanitary sewer project involving sanitary sewer collection and treatment system in Porter and Redbank Townships and New Bethlehem and Hawthorn Boroughs, Clarion County and Mahoning and Redbank Townships and South Bethlehem Borough, Armstrong County. Separate GP-5 applications for stream crossings by sanitary sewer lines and a NPDES Stormwater Permit from Construction Activities application No. PAG2061606005 are also being reviewed as part of this project.

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

E14-487. Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144) (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA 0032107 (Minor Sewage)	Department of Conservation and Natural Resources Bureau of State Parks (Beltzville State Park) P. O. Box 8551 Harrisburg, PA 17105-8551	Franklin Township Carbon County	Pohopoco Creek (02B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0115304 Sewerage	Litchfield Township Supervisors R. R. 1, Box 144 J Sayre, PA 18840-9335	Litchfield Township Bradford County	Satterlee Creek 4B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209406	Eutaw Centre SFTF, Inc. 150 Old Fort Road Spring Mills, PA 16875	Centre County Potter Township	UNT to Potter Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0111279 Industrial Waste	Hooversville Borough Municipal Authority Water Treatment Plant Main Street, Box 176 Hooversville, PA 15936	Somerset County Hooversville Borough	UNT to Stony Creek	Y
PA0215856 Industrial Waste	Blairsville Municipal Authority 203 East Market Street Blairsville, PA 15717	Westmoreland County Derry Township	Trout Run	Y
PA0218871 Industrial Waste	Ernest Borough Water Treatment Plant P. O. Box 119 Ernest, PA 15739	Indiana County Ernest Borough	McKee Run	Y
PA0044431 Sewage	Fairfield Manor, Inc. P. O. Box 17039 Pittsburgh, PA 15235	Westmoreland County Fairfield Township	UNT of Hendricks Creek	Y
PA0218774 Sewage	Beka House, Inc. 5977 Somerset Pike Boswell, PA 15531	Somerset County Jenner Township	Bens Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0028398	Fairview Sanitation Company Whitehall Village STP P. O. Box 927 Fairview, PA 16415-0827	Fairview Township Erie County	UNT to Trout Run 15-TR	Y

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

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

NPDES Permit No. PA0026697, Sewage, **Butler Area Sewer Authority**, 100 Littman Road, Butler, PA 16001-3256. The permit was issued in conjunction with a Consent Order and Agreement (CO&A), signed by the authority and its tributary municipalities, on 10/13/06. The CO&A addresses an existing hydraulic overload situation. Changes made to the draft permit include: removing the proposed cadmium limit, inclusion of a whole effluent toxicity (WET) limit rather than just WET monitoring and miscellaneous wording changes.

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

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

WQM Permit No. 3606402, CAFO, **Don Risser, Meadow Vista Farms**, 166 Risser Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: This permit approves the construction of manure storage and sand settling facilities.

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

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.

WQM Permit No. 4792402-T4, Sewerage 4952, **Helen P. Carbone**, 30 Blue School Road, Danville, PA 17821-9529. This facility is located in Valley Township, **Montour County**.

Description of Proposed Action/Activity: Transfer of permit, due to change in ownership, for a small flow sewage treatment system to serve the Carbone residence.

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

WQM Permit No. 6306406, Sewerage, **Vestaburg New Hill Joint Authority**, P. O. Box 189, Vestaburg, PA 15368. This proposed facility is located in Vestaburg-East Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a replacement sanitary sewer system.

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

WQM Permit No. 6106402, Sewerage, **Quadland Corporation**, 7041 Truck World Boulevard, Hubbard, OH 44425. This proposed facility is located in Scrubgrass Township, **Venango County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new sewage treatment facility to replace an existing facility that serves the Emlenton Truck Plaza at Old Exit 5 on Interstate 80.

WQM Permit No. WQG028303, Sewerage, **Sugar Grove Area Sewage Authority**, R. D. 4, Box 205, Sugar Grove, PA 16350. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a pump station and conveyance system to serve the Swede Hollow and Patchen Run areas.

WQM Permit No. WQG028304, Sewerage, **T. H. Bohica, LLC**, 523 South Washington Street, Easton MD 21601. This proposed facility is located in Sugar Grove Borough and Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the construction of sewer extensions to serve The Overlook at Sugar Grove.

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.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506011	Venezia Enterprises, Inc. 86 Airport Rd., P. O. Box 909 Royersford, PA 19468-0909	Monroe	Tobyhanna Township	Pocono Creek HQ-CWF McMichael Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Moore Township Northampton County	PAG2004806012	Moore Estates, LLC Attn: Paul Desind 425 Allentown Drive Allentown, PA 18109	Hokendauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Butler Township Luzerne County	PAG2004003030(1)	Sand Springs Golf Development Corp. Phase 4 4511 Falmer Drive Bethlehem, PA 18020	Long Run to Nescopeck Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Butler Township Luzerne County	PAG2004003030(1)	Sand Springs Golf Development Corp. Phase 5B 4511 Falmer Drive Bethlehem, PA 18020	Long Run to Nescopeck Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Upper Allen Township Cumberland County	PAG2002106025	St. Elizabeth Seton Catholic Church Reverend James Lyons 310 Hertzler Road Mechanicsburg PA 17055	UNT Yellow Breeches Creek CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle PA 17013 (717) 240-7812
Lycoming County Williamsport	PAG2004106016	David R. Webb Co. P. O. Box 3455 Williamsport, PA 17701	UNT to West Branch Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754, (570) 433-3003
Butler County Adams Township	PAR10E168-R	Treesdale Four Lakes, Brennan Builders 120 Brennan Lane Evans City, PA 16033	Breakneck Creek WWF	Butler Conservation District (724) 284-5270
Elk County City of St. Mary's	PAG2002406004	Bill Davis Rite Aid Corporation 545 Oak Hollow Road Aurora OH 44202-8038	Iron Run CWF	Elk County Conservation District (814) 776-5373
Erie County Millcreek Twp	PAG2002506026	Millcreek Community Hospital 5515 Peach Street Erie, PA 16509	Beaver Run WWF	Erie Conservation District (814) 825-6403
Erie County North East Township	PAG2002506039	Holiday Inn Express Jay Shah 22989 Lorain Rd. North Olmsted, OH 44070	Lower Reaches 16 Mile Creek WWF, MF	Erie Conservation District (814) 825-6403
Mercer County City of Farrell	PAG2004306020	WXZ Development 22720 Fairview Center Dr. Suite 150 Fairview Park, OH 44126	Shenango River WWF	Mercer Conservation District 724-662-2242

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

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County Bedford Township	PAR203507	L. B. Foster Company 415 Holiday Drive Pittsburgh, PA 15220-2729	Raystown Branch Juniata River TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Dublin Township	PAR223519	Interforest Lumber Corp. P. O. Box 111 Shade Gap, PA 17255	UNT to Shade Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAR123546	ADM Alliance Nutrition, Inc. 200 Hummel Avenue P. O. Box 398 Camp Hill, PA 17011-0398	UNT to Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
PAR233532	Graham Packaging Company, LP 2401 Pleasant Valley Road York, PA 17402	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
PAR213544	IFS Industries Inc. 400 Orrton Avenue P. O. Box 1053 Reading, PA 19603	Schuylkill River CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
PAR124805 (Stormwater)	H. Rockwell & Son, Inc. P. O. Box 197 Canton, PA 17724-0197	Mill Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
PAR124802	Frito-Lay, Inc. P. O. Box 3096 Williamsport, PA 17701	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
PAR238317	Molded Fiber Glass/Union City 55 Fourth Avenue P. O. Box 112 Union City, PA 16438	Municipal stormwater to the South Branch of French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG045027 Sewerage	Helen P. Carbone 30 Blue School Road Danville, PA 17821-9529	UNT Mauses Creek CWF	Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3666
PAG046231	Brian P. Borosky 2914 Penn Avenue Boswell, PA 15531	UNT to Pine Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAG048374	Donald F. Jr. and Sherry A. Trapp 9161 Kuhl Road Erie, PA 16510	UNT to Four Mile Creek 16-FM	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Ten Mile Joint Sewer Authority	PAG086115	Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344	Morgan Township Greene County	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

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. 4606507, Minor Amendment. Public Water Supply.

Applicant	Aqua PA, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Lower Merion
County	Montgomery
Type of Facility	PWS

Consulting Engineer Aqua PA, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Permit to Operate 11/03/2006
Issued

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

Permit No. 0206508, Public Water Supply.

Applicant **Municipal Authority of the Borough of West View**
210 Perry Highway
Pittsburgh, PA 15229

Borough or Township Stowe Township
County **Allegheny**

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Permit to Construct November 2, 2006
Issued

Permit No. 0206510MA, Minor Amendment. Public Water Supply.

Applicant **Richland Township Municipal Authority**
2012 Kramer Road
Gibsonia, PA 15044

Borough or Township Richland Township
County **Allegheny**

Type of Facility Eden Hall (Ridge Road) water storage tank

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

Permit to Construct November 2, 2006
Issued

Permit No. 3006501MA, Minor Amendment. Public Water Supply.

Applicant **Consol Pennsylvania Coal Company**
P. O. Box J
1525 Pleasant Grove Road
Claysville, PA 15323

Borough or Township Richhill Township
County **Greene**

Type of Facility Water treatment plant

Consulting Engineer N.A. Water Systems, Airside
Business Park, 250 Airside
Drive, Moon Township, PA 15108

Permit to Construct November 2, 2006
Issued

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

Operations Permit issued to **Ridgway Township Municipal Authority**, PWS ID 6240022, Ridgway Township, **Elk County**. Permit No. 2499502, issued November 6, 2006, for the operation of fire booster and jockey pumps in the Boot Jack Industrial Park facility as permitted under the construction permit issued July 6, 1999.

Operations Permit issued to **Piney Creek Limited Partnership**, PWS ID 6160881, Piney Creek Township, **Clarion County**. Permit No. 1606501, issued November 8, 2006, for the operation of the 8.0 MG Raw Water Reservoir and addition of Soda Ash for potable water treatment, as permitted under the construction permit issued simultaneously on November 8, 2006.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Thyssen Krupp Budd Co Die Storage Yard Site, City of Philadelphia, **Philadelphia County**. Justin Lauterbach, RT Env., Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Joseph DePascale, Hunting Fox Assoc., I, LP., c/o PREI 1001 E. Hector St., Suite, 100, Conshohocken, PA 19428 has submitted a Cleanup Plan and Remedial Investigation concerning remediation of site soil and groundwater contaminated with PAHs, VOCs and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Goldman Paper/Wilde Dyehouse Site, City of Philadelphia, **Philadelphia County**. Robert Byer, Pen Env., & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Angela Falcone, Jewish Federation of greater Philadelphia, 2100 Arch St., Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil and chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Bratton Residence, Abington Township, **Montgomery County**. Thomas Hippensteal, P. G., Env., Consultants, Inc., 500 Norristown Rd., P. O. Box 940, Spring House, PA 19477 on behalf of Thomas and Elizabeth Bratton has submitted a Low Risk Final Report concerning remediation of site soil contaminated with No. 2. Fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Sunoco Inc R & M Andover Rd. Site, West Brandywine Township, **Chester County**. Lisa Holderbach, Aquaterra Technologies, Inc., P. O. Box 744 West Chester, PA 19381 behalf of Thomas Finley, 47 Andover Rd., Glenmoore, PA 19343, Reginald and Barbara Owens, 1709 Norwood House Rd., Downingtown, AP 19335 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards and Site-Specific Standards.

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

Lehigh Valley Industrial Park VII—Bethlehem Commerce Center—Lot 51 (Fouk Warehousing Property), City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, Allentown, PA 18101 has submitted a Cleanup Plan (on behalf of his client Lehigh Valley Industrial Park, 1805 E. Fourth St., Bethlehem, PA) concerning the remediation of site soils found or suspected to have been impacted by VOCs, semi-VOCs and heavy metal compounds associated with historic manufacturing operations. The report was submitted in order to document attainment of the Site-Specific Standard using pathway elimination.

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

Domestic Casting Co./Shippensburg University Property, Shippensburg Township, **Cumberland County**. Gannett Fleming, P. O. Box 67100, Harrisburg, PA, 17106-7100, on behalf of Thomas James, Liberty Casting Company, LLC, 550 Liberty Road, P. O. Box 1368, Delaware, OH, 43015, submitted a revised Final Report concerning remediation of site soils contaminated with metals and PAHs from foundry sand. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Hercules Incorporated Clairton Site, City of Clairton **Allegheny County**. Chad C. Coy, P. E., Cummings Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 (on behalf of Joseph A. Keller, P. E., Hercules Incorporated, Research Center Building 8139/15, 500 Hercules Road, Wilmington, DE 19808-1599) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

tion, 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:

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

Livingston and Company, Wrightstown Township, **Bucks County**. Steve F. Coe, Brown Env., Svc Corp., 301 S. State St., Suite, N102, Newtown, PA 18940 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report demonstrated attainment of the Site-Specific Standards and was approved by the Department on October 23, 2006.

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

Ahmed Residence, East Stroudsburg Borough, **Monroe County**. Thomas S. Dalton, P. G., EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 submitted a combined Remedial Investigation and Risk Assessment Report (on behalf of his client, Ahmed Ahmed, 104 Prospect Street, East Stroudsburg, PA 18301) concerning the remediation of soils and groundwater found or suspected to have been impacted by the release of No. 2 fuel oil and unleaded gasoline. The combined report was submitted in partial fulfillment of the Site-Specific Standard and was approved on November 3, 2006.

203 Jacktown Road Site (Former Kern Residence) (203 Jacktown Road), Upper Mt. Bethel Township, **Northampton County**. Gregory Walters, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, Renee Kern, Nazareth, PA 18064) concerning the remediation of soils due to gasoline contamination related to a vehicular accident. The report demonstrated attainment of the residential Statewide Health Soil Standard and was approved on November 6, 2006.

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

Markovich Property, North Huntingdon Township **Westmoreland County**. Steven Gerritsen, SE Technologies, Inc., 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Thomas Markovich, 64 Arona Road, North Huntingdon, PA 15642, and David Schwarzwaelder, Columbia Gas of Pennsylvania, a NiSource Company, 501 Technology Drive, Canonsburg, PA 15317 has submitted a Final Report concerning the remediation of site soil contaminated with volatile and semi-volatile organic constituents as well as PCBs. The Final Report demon-

strated attainment of the Statewide Health Standard and was approved by the Department on March 20, 2006.

SCM Metal Products, City of Johnstown **Cambria County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Sten-Ake Kvist, SCM Metal Products, 111 Hoganas Way, Hollsopple, PA 15935 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 23, 2006.

Costco Wholesale Store, West Homestead Borough **Allegheny County**. Christopher Carlson, P. G., ATC Associates Inc., 2200 Garden Drive, Suite 200 Seven Fields, PA 16046 on behalf of Heidi Macomber, Costco Wholesale Corp., 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with concentrations of thallium above Statewide Health Standard. Pathway elimination proposed by capping with a building footprint and parking lot. The Cleanup Plan was approved by the Department on August 30, 2006.

National Torch Tips (Former), O'Hara Township, **Allegheny County**. Michelle E. Flowers, React Environmental Services, Inc., 690 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Peter Sukernek, Howard Hanna Company, Koppers Building, Pittsburgh, PA 15219, and Jonathan Kamin, 50 Freeport Partners, Freeport Road, Pittsburgh, PA 15215 has submitted a Remedial Investigation Report and a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, TCE, PCE, CIS-Dichloroethylene. The Remedial Investigation Report and Cleanup Plan were disapproved by the Department on August 22, 2006.

No. 1 Cochran Automotive, Borough of Monroeville **Allegheny County**. David J. Birchard, Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Rob Cochran Automotive, 4200 William Penn Highway, Monroeville, PA 15146, and William Krahe, ECHO Real Estate, 701 Alpha Drive, Pittsburgh, PA 15328 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, naphthalene, MTBE and ethyl benzene. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on August 18, 2006.

Beazer Adelaide Site/Former Koppers Wood Treating Facility, Dunbar Township **Fayette County**. James S. Zubrow, P. G., Key Environmental Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 on behalf of Kurt Paschl, Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics, other organics and PAHs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 23, 2006.

National Institute for Occupational Safety and Health (NIOSH), Pittsburgh Research Laboratory (**Pittsburgh**) **Landfill Site** or **NIOSH-Pittsburgh Landfill Site**, South Park Township **Allegheny County**. S. B. Lal, P. E., Diversified Consulting Engineers, 1624 Citation Drive, South Park, PA 15129-8831 on behalf of Barbara M. Heirendt, United States Department of

Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Pittsburgh Research Laboratory, P. O. Box 18070, Cochrans Mills Road, Pittsburgh, PA 15236-0070 has submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with inorganics, chlorinated solvents and PAHs. The Remedial Investigation and Risk Assessment Reports were approved by the Department on August 30, 2006.

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

Bradford Electronics, City of Bradford, **McKean County**. Environmental Strategies Consulting, LLC, 300 Corporate Center Drive, Suite 200, Moon Township, PA 15108, on behalf of Vishay Dale Electronics, 1122 23rd St., Columbus, NE 68601, submitted a Remedial Investigation Report and Final Report that demonstrated attainment of soil and deep aquifer to the Statewide Health Standard and shallow groundwater to the Site-Specific Standard. The site was contaminated with trichloroethene and vinyl chloride arsenic. The Remedial Investigation Report and Final Report were both approved by the Department on October 18, 2006.

Corry-Multi Tenant Facility, Wayne Township, **Erie County**. Urban Engineers of Erie Inc. 1319 Sassafras St. Erie, PA 16501-1720, on behalf of Corry Pennsylvania Redevelopment Authority, 1524 Enterprise Road, Corry PA 16407, has submitted a Remedial Investigation Report and Final Report concerning the remediation of soils and groundwater contaminated with Trichloroethylene. The Remedial Investigation Report and Final Report demonstrated attainment of the Site-Specific Standard for Soil and the Statewide Health Standard for groundwater. The Department approved both reports, on November 8, 2006

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits denied 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.

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

Permit Application No. 101678. Tri-County Landfill Inc., 159 TCI Park Drive, Grove City, PA 16127, Liberty and Pine Townships, **Mercer County**. The application was to repermit and expand the Tri-County Landfill. During the Environmental Assessment/Benefits and Harms review stage, the Department determined the benefits of the project did not clearly outweigh the harms. The permit was denied by the Northwest Regional Office on November 1, 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.

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

64-301-008GP14: Wilson Funeral Home (P. O. Box 7, Lake Ariel, PA 18436) on November 7, 2006, to construct and operate a human crematory and associated air cleaning device in Lake Township, **Wayne County**.

48-301-047GP14: Lehigh Valley Crematory Services, Inc. (301 Front Street, Hellertown, PA 18055) on November 6, 2006, to construct and operate a human crematory and associated air cleaning device in Hellertown Borough, **Northampton County**.

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

GP3-36-03166: Brandenburg Industrial Service Co. (1805 East Fourth Street, Bethlehem, PA 18015) on November 7, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 in City of Lancaster, **Lancaster County**.

GP11-36-03166: Brandenburg Industrial Service Co. (1805 East Fourth Street, Bethlehem, PA 18015) on November 7, 2006, for Nonroad Engines under GP 11 in City of Lancaster, **Lancaster 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.

15-0104C: Tasty Baking Oxford, Inc. (700 Lincoln Ave., Oxford, PA 19363) on November 8, 2006, to operate two sveba-dahlen V42 rack ovens in Oxford Borough, **Chester County**.

15-0010C: ISG Plate, LLC (50 South First Ave., Coatesville, PA 19320) on November 8, 2006, to operate a fabric collector in City of Coatesville, **Chester County**.

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

40-302-155: Wilkes-Barre General Hospital (575 North River Street, Wilkes Barre, PA 18702) on November 1, 2006, to modify three boilers to utilize No. 4 fuel oil in Wilkes Barre, **Luzerne County**.

40-399-038D: Fairchild Semiconductor (125 Crestwood Road, Mountaintop, PA 18707) on October 25, 2006, to install air cleaning devices on the FAB 8 production area in Wright Township, **Luzerne County**.

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

28-05011A: Waste Management Disposal Services of PA, Inc. d/b/a Mountain View Reclamation (9446 Letzburg Road, Greencastle, PA 17225-9317) on November 7, 2006, for addition of a new enclosed ground flare to their existing Mountain View Reclamation facility in Antrim Township, **Franklin County**.

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

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

15-0115C: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on November 1, 2006, to operate an emergency generator (2,000) kW in West Goshen Township, **Chester County**.

46-313-146: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on November 3, 2006, to operate a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

23-0074: GS Roofing Production Co., Inc. (800 W. Front Street, Chester, PA 19013) On November 7, 2006, to operate a thermal oxidizer in City of Chester, **Delaware County**.

23-0082: Liberty Electric Power, LLC (1000 Industrial Hwy, Route 291, Eddystone, PA 19022) on November 7, 2006, to operate a power plant-500 MW in Eddystone Borough, **Delaware County**.

09-0024C: Waste Management Disposal Services of PA Inc. (1121 Bordentown Road, Morrisville, PA 19067) on November 7, 2006, to operate a landfill in Tullytown Borough, **Bucks County**.

09-0087B: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on November 7, 2006, to operate a SiF4 process scrubber in Falls Township, **Bucks County**.

15-0004D: Alcoa Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) on November 7, 2006, to operate four film seaming machines in Downingtown Borough, **Chester County**.

46-0035B: SmithKline Beecham d/b/a Glaxo-SmithKline (709 Swedeland Road, King of Prussia, PA 19406) on November 8, 2006, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

46-0072: Willow Grove Air Reserve Station (913 MSG/CEV 2164 McGuire Street, Willow Grove ARS, PA 19090) on November 7, 2006, to operate a spray paint booth in Horsham Township, **Montgomery County**.

09-0087D: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on November 1, 2006, to operate a chlorine distillation process in Falls Township, **Bucks County**.

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

22-05035A: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on October 15, 2006, to replace the existing primary jaw crusher, the existing grizzly and blacktop screens and to refurbish the dust collector that controls the blacktop plant at their Elizabethtown quarry in Washington Township, **Dauphin County**. This plan approval was extended.

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

41-00028: Koppers Industries, Inc. (50 Koppers Lane, Montgomery, PA 17752) on November 7, 2006, by means of Department-initiated amendment, to delete erroneous capacity and throughput values in Clinton Township, **Lycoming County**.

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

56-00025F: New Enterprise Stone and Lime (P. O. Box 77, New Enterprise, PA 16664) on November 06, 2006, to complete installation of a new piece of equipment at the Bakersville Quarry in Jefferson Township in **Somerset County**. This plan approval was extended.

30-00099E: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on November 03, 2006, to allow completion of stack testing at the Hatfield Power Station in Monongahela Township, **Greene County**. This plan approval was extended.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00046: Accellent, Inc. (200 West 7th Avenue, Trappe, PA 19426) on November 8, 2006, to renew the Title V Operating Permit in Trappe Borough, **Montgomery County**. The initial permit was issued on July 3, 2001. The facility is primarily used for the fabrication of metal tubing used in the medical, aerospace, and automotive industries. The facility cleans the metal parts in the three vapor degreasers that are located at the facility. The vapor degreasers are subject to the requirements of 40 CFR Part 63, Subpart T, and the facility is using control combinations to comply with these regulations. Other sources of volatile organic compounds include three boilers, several space heaters, plastic coating processes, and parts washers. As a result of potential emissions of volatile organic compounds, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

67-05004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-1000) on November 2, 2006, to operate a pulp and paper mill in Spring Grove Borough, **York County**. This is a renewal of the Title V operating permit.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00147: Northtec LLC (411 Sinclair Road, Bristol, PA 19007) On November 8, 2006, to operate a cosmetic powder processing plant in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility does not have the potential to emit

major amounts of criteria pollutants; therefore the facility is categorized as a Natural Minor. Operating Permit also includes minor modification issued under 25 Pa. Code § 127.462. Modification to source level requirements, hours of operation limitation has been removed. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

21-03004: ADM Milling Co. (P. O. Box 3100, Shiremanstown, PA 17011) on November 7, 2006, to operate their flour milling facility in Camp Hill Borough, **Cumberland County**. This is a renewal of the State-only operating permit.

28-03008: Edge Rubber (811 Progress Road, Chambersburg, PA 17201-3257) on November 6, 2006, to operate their rubber recycling facility in Chambersburg Borough, **Franklin County**. This is a renewal of the state only operating permit.

36-03105: Binkley and Ober, Inc. (P. O. Box 7, 2742 Lancaster Road, East Petersburg, PA 17520-0007) on November 2, 2006, to operate their stone crushing plant in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

36-03157A: Fertrell Co. (601 North 2nd Street, P. O. Box 265, Bainbridge, PA 17502-0265) on November 6, 2006, for their fertilizer plant in Conoy Township, **Lancaster County**.

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

04-00496: Jerart, Inc. (3701 Duss Avenue, P. O. Box 153, Baden, PA, 15005) on October 30, 2006, for a sand and stone processing plant to include an impact crusher, a screening plant, various conveyors and transfer points, material handling with front end loaders, storage piles and plant haul roads at their slag processing plant located in Baden Borough, **Beaver County**.

65-00829: Fulmer Co., LLC (3004 Venture Court, Export, PA 15632) on November 1, 2006, to operate a foundry at Perma-Cast Export Facility in Penn Township, **Westmoreland County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00030: Swarthmore College (500 College Ave., Swarthmore, PA 190814) on November 7, 2006, an administrative amendment to the renewed Title V Operating Permit at their campus in Swarthmore Borough, **Delaware County**. The air pollution sources at the campus include 18 boilers, 10 backup emergency generators and a liquid chilling unit. The boilers are used to provide heat and hot water for the academic and residential buildings. The permit is being amended to correct errors in the amended, renewed Title V Operating Permit. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all appli-

cable air quality requirements. The facility is not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64.

The following conditions have been addressed in the amended Title V Operating Permit, as outlined below:

i. Section G (Miscellaneous)—The fuel type for the 20-kW Wharton generator, that is exempted per 25 Pa. Code § 127.14(a)(8)(6), was changed from natural gas to diesel.

ii. Section G (Miscellaneous)—The fuel type for the 15-kW Worth generator, that is exempted per 25 Pa. Code § 127.14(a)(8)(6), was changed from dual fuel (diesel/natural gas) to natural gas only.

iii. Section(s) A and D, Source ID: 112 (Small Misc. Generator)—The Permit Map was changed to remove FML01 (Natural Gas Line) and FML02 (No. 6 Fuel Oil) and replaced with FML03 (No. 2 Fuel Oil).

iv. Section D, Source ID: 112 (Small Misc. Generator), Condition No. 004—The fuel restriction condition was revised to permit this source to only burn No. 2 fuel oil.

v. Section D, Source ID: 002 (Heat Plant No. 2), Condition No. 005—The testing requirement for this source was revised to require the source to fire only No. 6 fuel oil while conducting the performance test.

vi. Section D, Source ID: 003 (Heat Plant No. 3), Condition No. 004—The Title V Operating Permit was revised to include a new testing requirement for this source. This testing requirement requires the permittee to performance a source test, no earlier than 12 months prior to the expiration date of the permit to demonstrate compliance with the NO_x and SO_x emission limits. The testing also requires the source to be fired only No. 6 fuel oil while conducting the performance test.

09-00022: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951) On November 7, 2006, located in Quakertown Borough, **Bucks County**. The facility's major emission points include paint booths and lithographic printing presses, which emits major levels of VOCs. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval PA-09-0022B, which limits individual HAP emissions to less than 10 tons per year and combination HAP emissions to less than 25 tons per year. The Title V also increases the VOC content of inks applied to steel sheets at Lithographic Press No. 1 (Source ID 108) from 10% to 15% by weight. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility 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.

36-05027: R. R. Donnelly and Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) on November 6, 2006, to install a printing press (Goss S-3000) to replace an existing unit in City of Lancaster, **Lancaster County**. This Title V operating permit was administratively amended to incorporate Plan Approval 36-05027G. This is revision No. 2.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00227: Schmidt Structural Products, Inc. (38 Souderton Pike, Souderton, PA 18964) on November 9, 2006, for revocation of the facility's State-only (Synthetic Minor) Operating Permit for its two paint spray booths in Franconia Township, **Montgomery County**. Operations at the facility were shut down in October 2005. Since that time, the building has been sold and the paint spray booths have been moved out-of-State. The new owner is no longer eligible to apply for Emission Reduction Credits for the shutdown of the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

33850123 and NPDES Permit No. PA0106801. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous strip operation in Washington Township, **Jefferson County** affecting 203.2 acres. Receiving streams: UNT to Mill Creek and UNT to Rattlesnake Run. Application received: August 11, 2006. Permit issued: November 7, 2006.

43060101 and NPDES Permit No. PA0258113. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Jackson Township, **Mercer County** affecting 68.9 acres. Receiving streams: UNT to Yellow Creek. Application received: February 1, 2006. Permit issued: November 7, 2006.

3350106 and NPDES Permit No. PA0258032. Mountain Coal Co., Inc. (11931 State Route 85, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous strip and auger operation in Knox and Oliver Townships, **Jefferson County** affecting 75.3 acres. Receiving streams: UNT to Little Sandy Creek. Application received: October 17, 2005. Permit issued: November 7, 2006.

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

54970101T and NPDES Permit No. PA0223832. Premium Fine Coal, Inc., (P. O. Box 2043, Hazleton, PA 18201). Transfer of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 632.0 acres; receiving stream: Schuylkill River. Application received August 28, 2006. Transfer issued: November 8, 2006.

Government Financed Construction Contract

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

Larson Enterprises, GFCC No. 17-06-06, Graham Township, Clearfield County (Alder Run—Upper West Branch Watershed): A Government-Financed Construction Contract (GFCC) has been awarded to Larson Enterprises that will result in the reclamation of over 1,750 feet of outslope as well as approximately 8.0 acres of abandoned mine lands in Graham Township, **Clearfield County**. The reclamation of the abandoned mine lands will also reduce the amount of sediment entering several unnamed tributaries to Alder Run and Mons Run from the site. Alkaline addition in the form of waste lime will be added to the mining area at a rate of 380 tons/acre. The value of this reclamation is estimated at \$46,400.

Noncoal Permits Actions

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

8274SM1T and NPDES Permit No. PA0595705. ICM of Pennsylvania, Inc., (638 Lancaster Avenue, Malvern, PA 19355). Transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Manheim and Upper Leacock Townships, **Lancaster County** affecting 71.75 acres, receiving stream: Conestoga River. Application received April 10, 2006. Transfer issued: November 6, 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.

28064175. Warrens Excaating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189). Blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is November 1, 2007. Permit issued: November 3, 2006.

21064188. J. Roys, Inc. (P. O. Box 125, Bowmansville, PA 17507-0125). Blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is November 1, 2007. Permit issued: November 3, 2006.

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

55064101. D. C. Guelich Explosives Co. (R. R. 3, Box 125A, Clearfield, PA 16830). Construction blasting for building expansion located in Center Township, **Snyder**

County. Application received: October 24, 2006. Permit issued: November 2, 2006. Permit expires on: October 31, 2007.

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

39064120. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Iron Run Plaza in Upper Macungie Township, **Lehigh County** with an expiration date of June 30, 2007. Permit issued: November 3, 2006.

45064164. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2007. Permit issued: November 3, 2006.

45064165. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Wilderness Acres in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2007. Permit issued: November 3, 2006.

45064166. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Shawnee Oakdale in Middle Smithfield and Smithfield Townships, **Monroe County** with an expiration date of November 30, 2007. Permit issued: November 3, 2006.

45064167. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Pocono Farms in Coolbaugh Township, **Monroe County** with an expiration date of November 30, 2007. Permit issued: November 3, 2006.

45064168. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for Franklin Hill Acres in Smithfield Township, **Monroe County** with an expiration date of November 30, 2007. Permit issued: November 3, 2006.

45064169. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Airport Road Waterline in Smithfield Township, **Monroe County** with an expiration date of November 1, 2007. Permit issued: November 3, 2006.

06064139. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507). Construction blasting for Reedy Estates in Spring Township, **Berks County** with an expiration date of November 3, 2007. Permit issued: November 7, 2006.

06064140. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for a single dwelling in Marion Township, **Berks County** with an expiration date of December 30, 2006. Permit issued: November 7, 2006.

39064121. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Iron Run Center in Upper Macungie Township, **Lehigh County** with an expiration date of November 3, 2007. Permit issued: November 7, 2006.

48064128. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for United Plastics Plant in Forks Township, **Northampton County** with an expiration date November 3, 2007. Permit issued: November 7, 2006.

35064120. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Glen Maura Development in Moosic Borough, **Schuylkill County** with an expiration date of November 3, 2007. Permit issued: November 8, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E28-334: Charles R. Smetzer, Jr., 758 Spruce Street, Hagerstown, MD 21740, in Washington Township, **Franklin County**, ACOE Baltimore District.

To replace an existing mobile home and to construct and maintain a single family residential house, with approximately 180 cubic yards of fill to be placed within the 100-year floodway of a UNT to West Branch Antietam Creek (CWF). The project is located near the intersection

of Marsh Road and Cold Spring Road (Waynesboro, PA Quadrangle N: 0.40 inches; W: 14.48 inches; Latitude: 39° 45' 08"; Longitude: 77° 36' 11") in Washington Township, Franklin County.

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

E61-277, Byzantine, Inc., 1198 Mulberry Lane, Bridgewater, PA 1500. Tractor Supply Development, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Cranberry, PA Quadrangle N: 18.8 inches; W: 13.2 inches).

The applicant proposes to fill 0.03 acre of PEM wetland (de minimis) for the construction of a commercial retail facility and associated parking area approximately 0.4 mile W of the intersection of SR 322 and SR 257. The project proposes to directly impact 0.03 acre of PEM wetland.

SPECIAL NOTICES

Sewage Facilities Act Special Notice

Special Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Project Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	11800 Edinboro Road Edinboro, PA 16412	Erie

Project Description: On November 13, 2006, under 25 Pa. Code § 94.31 (relating to organic or hydraulic overload), the Department of Environmental Protection issued an Order to Washington Township and to the Washington Township Sewer Authority which imposes a ban on all connections to Washington's sewerage conveyance system that is tributary to the Angling Road Sewage Treatment Plant. No building permits which may result in a connection to the overloaded sewerage facilities or increase the load to those facilities through an existing connection shall be issued by Washington or by the Washington Township Sewer Authority.

Drinking Water State Revolving Fund Special Notice

Special notice under the Federal Safe Drinking Water Act

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Easton Suburban Water Authority	3700 Hartley Avenue Easton, PA 18045	Northampton

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Easton Suburban Water Authority proposes to increase permitted production capacity at the City of Easton's WTP to 16 mgd and upgrade all facilities necessary to reliably produce potable water. The project, known as the Easton WTP Phase Nos. 2—4 Improvement Project, is identified by Pennvest Project No. 480150300507-CW. The Department of Envi-

ronmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Settlement of NPDES Permit Appeal Pursuant to 25 Pa. Code § 92.61(g)

Borough of Etna v. Department of Environmental Protection; EHB Docket No. 2006-102-R

This matter involved the appeal of the National Pollutant Discharge Elimination System Permit No. PAG 066119 (NPDES General Permit) issued by the Commonwealth of Pennsylvania, Department of Environmental Protection (Department) to the Borough of Etna (Etna) to operate a combined sewer system and to discharge, under certain conditions, a combination of sewage and stormwater runoff from nine combined sewer overflows (CSOs) into Pine Creek, Little Pine Creek and the Allegheny River.

The Department's final action to resolve this NPDES General Permit appeal was a settlement as reflected by an October 13, 2006, Consent Order and Agreement (Agreement) entered into by the Department and Etna. The major provisions of the settlement require Etna to apply to the Department for an individual NPDES Permit and the Department to issue a draft individual NPDES Permit with a tailored condition that recognizes that one of the nine CSOs within Etna, Outfall A-68, is operated by the Allegheny County Sanitary Authority (Alcosan). The individual NPDES Permit will recognize that Etna conveys combined sewage flows to Outfall A-68 and that Etna has responsibilities to implement nine minimum controls and to participate in area-wide CSO control activities. In addition, Etna agreed to withdraw its appeal before the Environmental Hearing Board.

Copies of the full Agreement are in the possession of Bruce M. Herschlag, Assistant Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262 and David G. Ries, Esquire, Thorp, Reed & Armstrong, One Oxford Center, 301 Grant Street, 14th Floor, Pittsburgh, PA 15219-1425, (412) 394-7787 and may be reviewed by any interested person on request during normal business hours.

Persons believing to be aggrieved by this Agreement have a right to appeal the Environmental Hearing Board (Board), Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 30 days of this publication.

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 Service at (800) 654-5984.

[Pa.B. Doc. No. 06-2313. Filed for public inspection November 22, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance:

DEP ID: 563-2504-001 Title: Conventional Bonding for Land Reclamation—Coal. Description: This guidance, issued under the authority of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a) and the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), describes the regulatory and statutory requirements for determining bond amounts. It also establishes bond rates and the process for determining the bond for land reclamation. Substantive revisions to the guidance relating to the Annual Review requirement were advertised for public comment at 36 Pa.B. 3166 (June 24, 2006). During the 30-day public comment period, comments were received from one commentator, which were addressed by the Department in a separate Comment and Response document that is available on the Department's website (see web address). Since the advertisement of the draft substantive revisions to the guidance on June 24, 2006, the Department modified the guidance further. These changes, which are reflected in the final document, concern instructions for "Backfilling" which appear in Appendix C, under "Grading." Concerning the measurement of pit length and width, the Department clarified that these parameters may be measured at the coals to be mined. This revision was made because there are circumstances where measuring at the coal is

not appropriate. Contact: William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, 5th Floor, Harrisburg, PA 17105-8461, (717) 787-5103, wallen@state.pa.us. Effective Date: November 25, 2006.

Draft Technical Guidance

DEP ID: 392-0900-001 Title: Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines. Description: This guidance provides revisions to the Interim Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Interim Final Policy), published at 35 Pa.B. 5451 (October 2005). Public participation resulted in the following key revisions to the Interim Final Policy:

- Definitions have been made analogous to those in existing regulations and applicable program areas.
- The baseline for agriculture compliance and the standards thereof have been better defined.
- The application of trading ratios has been revised.
- A section on managing and tracking credits has been added.
- The use of credits for NPDES permits to meet effluent limits and sewage facilities planning requirements has been clarified.
- A section on water quality and Total Maximum Daily Loads has been added.
- Language on the conversion of farmlands for credits has been clarified.
- The approval procedure for credit-generating projects and trade proposals has been further refined.

The Department has engaged in extensive public participation and stakeholder workgroups generating significant input on implementation of the Chesapeake Bay tributary strategies and trading policy. Public participation included comments on the Interim Final Policy and input received at venues such as the Listening Sessions held in State College, Dauphin County and Lancaster County. Additionally, the Chesapeake Bay Tributary Strategy Steering Committee was expanded and reconvened in January 2006, to address the Tributary Strategy and potential revisions to the Department's nutrient and sediment trading program. Several workgroups were formed to address specific issues related to agriculture, stormwater, legacy sediment, trading, development and point sources. Proceedings from the workgroups can be found at www.dep.state.pa.us (DEP Keywords "Chesapeake Bay").

Appendix A provides nutrient trading criteria specific to the Chesapeake Bay Watershed. The attachments to Appendix A are implementation concepts derived from the proceedings from the point source and agriculture workgroups, which include the Point Source Allocation Strategy, Overview of Wastewater Planning Program Procedures, and the Overview of the Agriculture Sectors Participation in Nutrient Trading.

The Department seeks comment from the broader public on the draft revisions to the policy and on the implementation approaches contained in the attachments.

The Department notes that it is disinclined to adopt subsection b of the document entitled Overview of Point Source Allocation Strategy. This provision would allow a point source which has reduced nutrient levels to 8 mg/l Total Nitrogen (TN) and 1 mg/l Total Phosphorous (TP) to

make an annual cash payment to the Department in lieu of directly purchasing nutrient reduction credits for the remaining reductions needed to meet the lower 6 mg/l TN and .8mg/l TP limits recommended by the Point Source Work Group. The Department questions the need for it to act as an intermediary for the purchase of credits, now that the web-based nutrient trading marketplace is functional. The approach runs counter to the strong recommendations from the Steering Committee and other experts, in favor of allowing the free market to achieve the most cost effective reductions.

It is the Department's responsibility to assure compliance with Federal and State water quality standards and may implement measures different from, or beyond those set forth in this policy, as may be necessary or appropriate. Written Comments: Interested persons may submit written comments on this draft document by December 15, 2006. Please note that the Interim Final Policy was previously open for public comment. Comments and proceedings from the previous comment period have been reviewed and posted on the Department's website at www.dep.state.pa.us. (DEP Keywords: Chesapeake Bay.) As all previous comments remain under consideration by the Department please limit submissions to new comments not previously submitted. Notice of availability of this draft document for public comment was posted on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Update") on November 15, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to the Department of Environmental Protection, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, or e-mail Ann Smith, annsmith@state.pa.us Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft guidance document should be directed to Ann Smith at (717) 772-4785 or at the e-mail address provided previously.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2314. Filed for public inspection November 22, 2006, 9:00 a.m.]

Laboratory Accreditation Advisory Committee; Meeting Cancellation

The Laboratory Accreditation Advisory Committee (Committee) meeting scheduled for Tuesday, December 12, 2006, has been cancelled. Notice of the Committee's next scheduled meeting will appear in a future issue of the *Pennsylvania Bulletin*.

Questions concerning the cancellation of the December 12, 2006, meeting or the scheduling of future meetings of the Committee can be directed to Aaren Shaffer Alger at (717) 346-8212, aaalger@state.pa.us or Richard Sheibley at (717) 346-8215 or rsheibley@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2315. Filed for public inspection November 22, 2006, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Admissions of Nonveterans to State Veterans' Homes

The Department of Military and Veterans Affairs (Department) hereby issues this interpretation and guidance for managing admissions of applicants who are not recognized as veterans by the United States Department of Veterans Affairs (VA) to the Commonwealth's six State veterans' homes. Nonveteran applicants may include spouses and unmarried surviving spouses of eligible veterans in certain circumstances.

In establishing the priorities for admission to State veterans' homes and in implementing admission policies and procedures, the Bureau for Veterans' Affairs is mindful of various requirements for State veterans' homes, including a limit on the percentage of nonveteran residents of the homes. Under VA guidelines, no more than 25% of the beds at a State veterans' home may be occupied by nonveterans at any time. Federal funding that supports the construction and operation of State veterans' homes depends on compliance with this limit.

Because the population of any one of six veterans' homes is variable, a shift in the proportion of veterans to nonveterans in the population of a particular home can occur in a variety of circumstances in a relatively short time. Accordingly, in managing the priorities of admissions to State veterans' homes, the Department will defer action on the admission of any nonveteran to any home where the nonveteran population at the time of the possible admission equals or exceeds 12%.

The applicants will be maintained in their place on the waiting list and may be offered admission after the

nonveteran population stabilizes below 12% of the total capacity of the home.

JESSICA L. WRIGHT,
Major General, PAARNG
The Adjutant General

[Pa.B. Doc. No. 06-2316. Filed for public inspection November 22, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Sale of Land No Longer Required for Transportation

The Department of Transportation (Department) under 2003(e) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is irregular shape, located eastbound at 63.5 mile post adjacent to Interstate 0078, in Lower Saucon Township, Northampton County. The parcel is an uneconomic remnant approximately 13.6 acres. 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.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1713 Lehigh Street, Allentown, PA 18103, (610) 798-4271.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-2317. Filed for public inspection November 22, 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 Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-45	Pennsylvania Gaming Control Board General and Operating Provisions; Board Procedures 36 Pa.B. 5690 (September 9, 2006)	10/10/06	11/9/06

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-46	Pennsylvania Gaming Control Board Recordkeeping and Fees 36 Pa.B. 5700 (September 9, 2006)	10/10/06	11/9/06
125-47	Pennsylvania Gaming Control Board Diversity 36 Pa.B. 5687 (September 9, 2006)	10/10/06	11/9/06

**Pennsylvania Gaming Control Board Regulation
#125-45 (IRRC #2561)**

**General and Operative Provisions; Board
Procedures**

November 9, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the September 9, 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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest.

The Pennsylvania Horse Race Development Act (Act) (4 Pa.C.S.A. §§ 1101—1904) allowed the Board to promulgate temporary regulations until July 5, 2006. The temporary regulations were not subject to two statutes that guide agencies when promulgating regulations. Those statutes are the Commonwealth Documents Law (CDL) (45 P. S. §§ 1201—1208) and the Regulatory Review Act (RRA) (71 P. S. §§ 745.1—745.15). The Act requires all temporary regulations to be promulgated as permanent regulations by July 5, 2007. The conversion of temporary regulations to permanent regulations requires compliance with both the CDL and the RRA.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

The Preamble to this rulemaking states that the Board proposes to replace four chapters of its temporary regulations with permanent regulations. The explanation of the regulations in the Preamble and the information contained on the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. While we commend the Board for involving the regulated community in the development of the temporary regulations, we note that a complete explanation of the need for each chapter and section was not provided in that process. Furthermore, there is no detailed fiscal impact and cost benefit analysis in the RAF. Without this information, we cannot determine if this proposed regulation is in the public interest. In the Preamble and RAF

submitted with the final-form rulemaking, the Board should provide more detailed information required under § 745.5(a) of the RRA.

CHAPTER 401. PRELIMINARY PROVISIONS

2. Section 401.2. Construction.—Statutory authority; Implementation procedures.

Subsection (b) allows the Board to permit deviations from a requirement of Part VII of Title 58. Part VII pertains to all of the Board's regulations, both substantive and procedural. Under Subsection (c), 1 Pa. Code § 31.2 (relating to liberal construction) would be superseded by this section. 1 Pa. Code § 31.2 pertains only to rules of administrative practice and procedure. What is the Board's statutory authority for granting a waiver from a substantive requirement? Absent specific statutory authority, Subsection (b) should be deleted in its entirety and Subsection (c) should be amended to only reference Subsection (a).

If the Board has statutory authority to grant waivers of substantive requirements, the procedures for requesting and considering a waiver must be included in the final-form regulation. In addition, the final-form regulation must address who can request such a waiver and what criteria the Board will apply to determine if a waiver will be granted.

3. Section 401.3. Definitions.—Statutory authority; Implementation procedures; Clarity.

Gaming employee

Paragraph (i)(J) references personnel with SLOTS Link security administrator access and responsibilities. The term "SLOTS Link" is not clear. This term should be defined in the final-form regulation.

Under Paragraphs (ii) and (iii), certain employees of a manufacturer will be considered "gaming employees." The definition of "gaming employee" found in § 1103 of the Act (4 Pa.C.S.A. § 1103) references only slot machine and supplier licensees. What is the Board's statutory authority for including certain employees of licensed manufacturers in this definition?

Paragraph (iv) states that "other employees as determined by the Board" may be considered a "gaming employee." This provision lacks specificity and would make compliance with the regulation difficult for the regulated community. The final-form regulation should either delete this paragraph or list who the other employees are.

Key employee

This definition deviates from the statutory definition found in the Act in that paragraph (ii) of the regulatory definition includes manufacturer and supplier licensees. What is the Board's statutory authority for including these licensees in the definition of "key employee"?

In addition, the statutory definition (§ 1103 of the Act (4 Pa.C.S.A. § 1103)) of this term includes the position of “director of cage and or credit operations.” Under Paragraph (i), why was “credit operations” not included in the regulatory definition?

Licensed entity

This term is defined as: “A person, other than a natural person, licensed by the Board under this part.” The phrase “other than a natural person” is not included in the statutory definition. The statutory definition includes the phrase “other person” and the definition of “person” in the Statutory Construction Act (1 Pa.C.S.A. §§ 1901—1991) includes “natural person.” What is the Board’s statutory authority to exclude a “natural person” as a licensed entity?

Manufacturer’s serial number

This definition states that the manufacturer’s serial numbers will be affixed to the outside of the slot machine cabinet in a location approved by the Board. This is a substantive provision. Substantive provisions in definitions are not enforceable. We recommend that this provision be moved to a more appropriate section in the body of the regulation. The final-form regulation should also include the process the Board will use to approve locations of numbers affixed to slot machines.

Occupation permit

The statutory definition of this term is: “A permit authorizing an individual to be employed or work as a gaming employee at a licensed facility.” The regulatory definition excludes the phrase “at a licensed facility.” Will a gaming employee not working at licensed facility be required to obtain an occupation permit? If so, what is the Board’s statutory authority for imposing this requirement?

Vendor certification and vendor registration

The Board has explained that the difference between these terms is the amount of expected goods and services the vendor may annually provide to a facility. In order for the regulated community to know whether they should apply for registration or certification, we recommend that the final-form regulation include the monetary amounts that trigger the need to obtain vendor registration or vendor certification.

CHAPTER 403. BOARD OPERATIONS AND ORGANIZATION

4. Section 403.6. Temporary emergency orders.—Implementation procedures; Clarity.

Subsection (c)

This subsection lists specific circumstances when a temporary emergency order may be issued. Subsection (c)(1) states that a person “charged with or convicted of a felony, a criminal gaming offense, or crime of dishonesty or false statement or other disqualifying offense” may be subject to a temporary emergency order. The phrase “other disqualifying offense” lacks clarity. This phrase should be deleted or the offenses should be listed in the final-form regulation.

Subsection (g)

Subsection (g) references § 491.3 (relating to service by the Board). Section 491.3 is a temporary regulation. The temporary regulations will cease to exist as of July 5, 2007, unless they are promulgated as permanent regulations by that date. We recommend that the Board delete references to temporary regulations unless the pertinent

temporary regulations have been promulgated as permanent regulations prior to the Board’s submittal of this final-form regulation. Other sections of this rulemaking that contain references to temporary regulations are: §§ 403.5(k)(2); 403.5(q); 403.5(r)(3) and 405.6(a).

Subsection (j)

This subsection pertains to the procedure for an informal hearing before the Executive Director or designee. Under Subsection (j)(5), how much time does the Executive Director have to render a decision and how will the person be notified of the decision? We recommend that the final-form regulation include provisions that address both of these concerns. This would allow a person that is the subject of a temporary emergency order to have a clear understanding of how this process works.

Subsection (m)

Under Subsection (m)(1), the Board may adopt a resolution ratifying or modifying the temporary emergency order. The Board has explained that the appeal process is contained in Chapter 494. The fact that a person has appeal rights and the procedure for filing an appeal should be referenced in the final-form regulation.

CHAPTER 405. BUREAU OF INVESTIGATIONS AND ENFORCEMENT

5. Section 405.1. General duties and powers.—Statutory authority; Clarity.

Paragraph (2) allows the Bureau of Investigation and Enforcement (Bureau) to investigate “licensees, permittees, registrants, certified vendors and other persons for potential violations of the act.” Section 1517(a)(1) of the Act (4 Pa.C.S.A § 1517(a)(1)) allows the Board to investigate “all licensees, permittees and applicants.” We question the Board’s statutory authority to investigate a person not subject to some form of Board approval. This should be explained in the Preamble to the final-form regulation.

6. Section 405.2. Information.—Statutory authority; Clarity.

Subsection 405.2(c) states that other state and local law enforcement agencies “shall” provide information requested by the Bureau relating to an applicant. Section 1517(f) (4 Pa.C.S.A. § 1517(f)) of the Act states that these agencies “may” obtain or provide that information. To be consistent with the Act, the word “shall” should be changed to “may.”

7. Section 405.6. Enforcement action.—Clarity.

This section allows the Office of Enforcement Counsel to initiate an enforcement action against a person holding a license, permit certification or registration issued by the Board. The term “enforcement action” is not defined. This term should be explained in the final-form regulation.

CHAPTER 407. PUBLIC ACCESS TO BOARD FILES

8. Section 407.1. Case files.—Reasonableness; Implementation procedures.

This section establishes the procedures the Board will follow when a request for confidential information has been made. A commentator has requested that a provision be added to this chapter that would require the Board to notify the applicant or holder of a license, permit, certification or registration of the request prior to the release of that holder’s confidential information. We believe this is a reasonable request that would allow the holder to better

manage its business interests and recommend that the Board consider adding language that would allow for proper notification.

9. Miscellaneous clarity.

To be consistent with the rest of § 403.6, the phrase “or designee” should be added to § 403.6(h).

Pennsylvania Gaming Control Board Regulation #125-46 (IRRC #2562)

Recordkeeping and Fees

November 9, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the September 9, 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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

9. Determining whether the regulation is in the public interest.

The Pennsylvania Horse Race Development Act (Act) (4 Pa.C.S.A. §§ 1101—1904) allowed the Board to promulgate temporary regulations until July 5, 2006. The temporary regulations were not subject to two statutes that guide agencies when promulgating regulations. Those statutes are the Commonwealth Documents Law (CDL) (45 P. S. §§ 1201—1208) and the Regulatory Review Act (RRA) (71 P. S. §§ 745.1—745.15). The Act requires all temporary regulations to be promulgated as permanent regulations by July 5, 2007. The conversion of temporary regulations to permanent regulations requires compliance with both the CDL and the RRA.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

The Preamble to this rulemaking states that the Board proposes to replace two chapters of its temporary regulations with permanent regulations. The explanation of the regulation in the Preamble and the information contained on the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. While we commend the Board for involving the regulated community in the development of the temporary regulations, we note that a complete explanation of the need for each chapter and section was not provided in that process. Furthermore, there is no detailed fiscal impact and cost benefit analysis in the RAF. Without this information, we cannot determine if this proposed regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Board should provide more detailed information required under § 745.5(a) of the RRA.

10. Section 471.1. Fees generally.—Implementation procedures; Fiscal impact.

Subsection (d) states that each application submitted to the Board must be accompanied by a fee to cover the cost of the initial investigation and processing of the applica-

tion. Subsection (e) states that an applicant may be subject to additional fees, which are based on the actual expenses incurred by the Board in conducting the background investigations. The procedures for determining the additional fee amount and for requesting the additional fee are not included in the regulation. We recommend that these procedures be included in the final-form rulemaking.

11. Section 471.2. Schedules of fees and Section 471.3. Adjustment of fees.—Implementation procedures.

Section 1208(1) of the Act (4 Pa.C.S.A. § 1208(1)) provides the Board the power to levy and collect fees. These fees are in addition to the fees set by §§ 1208, 1209 and 1305 of the Act (4 Pa.C.S.A. §§ 1208, 1209 and 1305). Section 1208(2) of the Act (4 Pa.C.S.A. § 1208(2)) states the following:

Two years following enactment of this part, the board shall have the authority to increase each year any fee, charge, cost or administrative penalty, but not any criminal fine or penalty, *provided in this part* by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. (Emphasis added.)

Under § 471.2, the Board proposes to establish fees and publish those fees in the *Pennsylvania Bulletin* and on its website. Those fees are not set by regulation. Section 471.3 allows the Board to adjust fees, charges, costs or administrative penalties specified in the Act by an amount not to exceed an annual cost-of-living calculation provided in the Act.

We have three suggestions. First, we question how the Board will increase the fees under § 471.2. All fees, whether established by the Act or set by the Board, can only be increased by the mechanism found in § 1208(2) of the Act. To avoid any confusion on how the fees in § 471.2 will be increased, we recommend that § 471.3 be amended to state that all fee increases will be calculated using the mechanism contained in § 1208(2) of the Act. Second, the final-form regulations should indicate when the fee schedule will be published in the *Pennsylvania Bulletin*. Third, the Board’s website should be included in the final-form regulation.

Pennsylvania Gaming Control Board Regulation #125-47 (IRRC #2563)

Diversity

November 9, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the September 9, 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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

12. Determining whether the regulation is in the public interest.

The Pennsylvania Horse Race Development Act (Act) (4 Pa.C.S.A. §§ 1101—1904) allowed the Board to promulgate temporary regulations until July 5, 2006. The temporary regulations were not subject to two statutes that guide agencies when promulgating regulations. Those statutes are the Commonwealth Documents Law (CDL) (45 P. S. §§ 1201—1208) and the Regulatory Review Act (RRA) (71 P. S. §§ 745.1—745.15). The Act requires all temporary regulations to be promulgated as permanent regulations by July 5, 2007. The conversion of temporary regulations to permanent regulations requires compliance with both the CDL and the RRA.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

The Preamble to this rulemaking states that the Board proposes to replace two chapters of its temporary regulations with permanent regulations. The explanation of the regulation in the Preamble and the information contained on the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. While we commend the Board for involving the regulated community in the development of the temporary regulations, we note that a complete explanation of the need for each chapter and section was not provided in that process. Furthermore, there is no detailed fiscal impact and cost benefit analysis in the RAF. Without this information, we cannot determine if this proposed regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Board should provide more detailed information required under § 745.5(a) of the RRA.

13. Section 481.1. Statement of purpose, policy and applicability.—Statutory authority.

Subsection (b) states that it is the policy of the Board to promote and ensure that regulated entities conduct all aspects of their operations in a manner that assures diversity of opportunity. This would include the provisions of goods and services utilized by regulated entities. Under Section 1212(a) of the Act (4 Pa.C.S.A. § 1212(a)), only slot machine licensees are required to meet the “provisions of goods and services” requirement. What is the Board’s statutory authority for requiring all regulated entities to assure diversity of opportunity “through the provisions of goods and services”?

14. Section 481.3. Diversity participation.—Clarity.

This section states that a regulated entity may use the list of minority and women’s business enterprises certified by the Department of General Services to establish the eligibility of an enterprise for the purpose of promoting and ensuring minority and women’s business participation. The inclusion of the word “may” in this provision implies that other methods for establishing the eligibility of a business would be acceptable. If other methods are available, they should be listed in the regulation. If other methods are not available, the word “may” should be changed to “shall.”

15. Section 481.4. Establishment of diversity plan.—Statutory authority; Possible conflict with or duplication of statutes or regulations; Implementation procedures; Reasonableness; Clarity.

Subsection (a)

This subsection states the following:

Each regulated entity shall include in its application for licensure or certification a diversity plan that establishes a separate goal of diversity in the ownership, participation and operation of, and employment at the regulated entity. The Board will determine whether the stated goals set forth in each diversity plan are reasonable and represent a good faith effort to assure that all persons are accorded equality of opportunity in contracting and employment by the regulated entity and its contractors, subcontractors, assignees, lessees and agents.

We have two concerns. First, we question why the Board is deviating from the language of the Act and the temporary regulations that allow an applicant to agree to develop a diversity plan. Section 1325(b)(1) of the Act (4 Pa.C.S.A. § 1325(b)(1)) states that a license or permit shall not be granted or renewed unless the Board finds that the applicant has developed and implemented or agreed to develop and implement a diversity plan. Section 423.3(a)(1)(i) of the Board’s temporary regulations contains similar language to Section 1325 (b)(1) of the Act.

Second, what criteria will the Board use to determine if the diversity plan is reasonable? The criteria should be included in the final-form regulation.

Subsection (b)

This subsection states that a regulated entity may demonstrate achievement of its “diversity goals” through one of two methods. One method is contracting or transacting directly with minority and women’s business enterprises. The other is contracting with a nonminority business enterprise under terms and conditions that establish a participation plan. We have three concerns. First, the term “diversity goal” should be defined in the final-form regulation.

Second, this section does not establish criteria that would allow the regulated entity to determine if they are satisfying the Board’s requirement of contracting or transacting enough business with the appropriate enterprises. In order for the regulated entity to know what the Board expects, the final-form regulation should include provisions that specify how the Board will determine if the entity has achieved its diversity goals.

Third, Subsection (b)(1) uses the phrase “contracting or transacting.” Subsection (b)(2) only uses the term “contracting.” For consistency, we recommend that one phrase or term be used.

16. Section 481.6. Diversity audits.—Implementation procedures; Clarity.

This section allows the Board to perform audits to ensure compliance with this chapter. We recommend that the final-form regulation include procedures that will be used to notify the regulated entity of the audit.

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2318. Filed for public inspection November 22, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at www.irrc.state.pa.us for updates.

Final-Form

Reg. No.
Meeting

Reg. No. Meeting	Agency/Title	Received	Public
14-505	Department of Public Welfare Child Care	11/8/06	11/30/06

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2319. Filed for public inspection November 22, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Merger

A-210013F0017. United Water Pennsylvania, Inc. Application of United Water Pennsylvania, Inc. for all approvals and waivers, if any, which may be required under the Public Utility Code for the merger between Gaz de France and Suez, the Ultimate Corporate Parent of United Water Pennsylvania, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 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: United Water Pennsylvania, Inc.

Through and By Counsel: John J. Gallagher, Esquire, Edward G. Lanza, Esquire, Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2320. Filed for public inspection November 22, 2006, 9:00 a.m.]

Natural Gas Service

A-140005. Ardent Resources, Inc. Application of Ardent Resources, Inc. for approval of Ardent Resources, Inc. to construct a pipeline from the gathering lines of the natural gas wells it operates in Clearfield County to a tie-in point with Columbia Gas Transmission Line 1711, also located in Clearfield County, PA. Ardent Resources, Inc.'s new pipeline is considered an intrastate pipeline from the furthestmost downstream point (the new Ardent

Resources, Inc. compressor) to the Columbia Gas Transmission tie-in point, a distance of approximately 1,500 feet. There will be no natural gas sales to either industrial or residential customers in this Commonwealth.

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 December 11, 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: Ardent Resources, Inc.

Through and By Counsel: Murray J. Hartzberg, Esquire, 1756 Taper Drive, Pittsburgh, PA 15241

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2321. Filed for public inspection November 22, 2006, 9:00 a.m.]

Natural Gas Service

A-121100F2002. Equitable Gas Company. Application of Equitable Gas Company for approval of the abandonment of natural gas service to 11 field gathering line customers located in Waynesburg, Greene County, PA, due to mining operations.

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 December 11, 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: Equitable Gas Company

Through and By Counsel: Charles E. Thomas, Jr., Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2322. Filed for public inspection November 22, 2006, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Ann Chan and Hong TK Pham t/d/b/a Victoria Nails; Doc. No. 1794-45-2006

On October 30, 2006, Ann Chan and Hong TK Pham t/d/b/a Victoria Nails, of Philadelphia, Philadelphia County, license number CZ-115246-L, were suspended for failure to pay the \$500 civil penalty imposed by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final 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. 06-2323. Filed for public inspection November 22, 2006, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Erin G. Foley; Doc. No. 0194-45-2006

On October 16, 2006, Erin G. Foley, of Philadelphia, Philadelphia County, license number CO-233447-L, a civil penalty of \$250 was imposed by the State Board of Cosmetology (Board) for practicing cosmetology on a lapsed license as well as an additional \$250, for a total of \$500.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final 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. 06-2324. Filed for public inspection November 22, 2006, 9:00 a.m.]