

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Thursday, May 10, 2007. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:15 a.m. Topics of discussion include a presentation on the status of the Flood Mitigation Task Force report and recommendations; a presentation on a revised proposal for a Flexible Flow Management Plan (FFMP) for the New York City Delaware Basin Reservoirs for potential consideration by the Commission at its meeting in July; a presentation on PCB Trackdown for the Camden County Municipal Utilities Authority; and a presentation on proposed modifications to the Commission's office building to improve energy efficiency and reduce cost.

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

1. *Pen Argyl Municipal Authority D-75-28 CP-2*. An application for approval to upgrade the Pen Argyl Municipal Authority WWTP. The WWTP design capacity will remain at 0.95 mgd. The project involves replacement of the existing contact aeration/trickling filter processes with a sequencing batch reactor process. The treatment process change is needed to improve nutrient removal. The WWTP will continue to discharge to a UNT of Waltz Creek in the Martins Creek Watershed, which is located within the drainage area to a section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The WWTP serves the Borough of Pen Argyl and portions of Plainfield and Washington Townships, all located within Northampton County, PA.

2. *Mt. Airy No. 1, LLC D-77-58-3*. An application to modify an existing wastewater treatment plant to replace aged equipment and provide more reliable operation of the treatment facility. The modifications include installation of new fine screening equipment to replace the comminutor; replacement of the existing air supply system, including the blowers and air diffusers in the aeration basins; installation of new alum, polymer, alkalinity and sodium hypochlorite systems for process control and disinfection; construction of a new sludge holding tank; and miscellaneous improvements to controls, power supply and alarms throughout the treatment facility. No change is proposed to the existing effluent limits or design capacity of 0.220 mgd. The project effluent discharges to Forest Hills Run in the drainage area of DRBC Special Protection Waters. The project is located at the former Mount Airy Lodge property in Paradise Township, Monroe County, PA. In addition to serving a proposed hotel and casino, the project will continue to serve the adjacent golf course clubhouse and Our Lady of the Poconos Convent, Paradise Township.

3. *West Deptford Township D-79-82 CP-4*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 108.5 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 3—8 in the Potomac-Raritan-Magothy Formation. The project is located in the Mantua and Woodbury Creeks Watersheds in West Deptford Township, Gloucester County, NJ.

4. *Lake Wynonah Municipal Authority D-91-20 CP-3*. An application for approval of a groundwater withdrawal project to supply up to 4.32 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 8 and to retain the existing withdrawal from all wells of 12 mg/30 days. The project is located in the Long Run Member of the Catskill Formation in the Plum Creek Watershed in Wayne and South Manheim Townships, Schuylkill County, PA.

5. *City of Philadelphia—Division of Aviation D-96-36 CP-2*. An application for the renewal of a groundwater withdrawal project to continue the withdrawal of 29.7 mg/30 days to supply the applicant's western boundary area mitigation system from existing Wells Nos. EW-A, EW-1, EW-2 and EW-3 in the Pleistocene Sand and Gravel Formation. The project is located in the Delaware River Watershed in the City of Philadelphia, Philadelphia County, PA.

6. *Buckingham Township D-2003-13 CP-4*. An application for approval of a groundwater withdrawal project to supply up to 3.24 mg/30 days of water to the applicant's public water supply distribution system from new Well No. CS-5 and to retain the existing total withdrawal allocation from all wells of 42 mg/30 days. The project is located in the Stockton, Brunswick and Lockatong formations in the Pine Creek, Neshaminy Creek and Robin Run Watersheds in Buckingham Township, Bucks County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area. (This project was originally noticed on August 18, 2005 as part of Docket D-2003-13 CP-2.)

7. *Borough of Bridgeport D-70-81 CP-2*. An application for approval to rerate a 0.77 mgd wastewater treatment plant (WWTP) to operate at its design capacity of 0.9 mgd. The project is located off River Road just south of the Pennsylvania Turnpike in the Schuylkill River Watershed in Upper Merion Township, Montgomery County, PA. The WWTP will continue to serve Bridgeport Borough and discharge to the Schuylkill River through the existing outfall. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Mount Holly Municipal Utilities Authority D-70-133 CP-3*. An application for approval to expand a 5 mgd WWTP to treat 6 mgd. The project is located in the Rancocas Creek Watershed in Mount Holly Township, Burlington County, NJ. The expanded WWTP will continue to serve Mount Holly Township and portions of Eastampton, Mount Laurel, Hainesport, Lumberton, Moorestown and Westampton Townships, all within Burlington County. The existing powdered activated carbon treatment system will be replaced by a conventional activated sludge process. Following chlorine disinfection, the WWTP effluent will be aerated and discharged to North Branch Rancocas Creek within the tidal reach of DRBC Water Quality Zone 2.

9. *Borough of National Park D-77-18 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 12 mg/30 days of water to the applicant's

public supply distribution system from new Well No. 6 and existing Well No. 5, formerly known as Well No. 4. The requested allocation of 12 mg/30 days constitutes a decrease from the existing allocation of 22.5 mg/30 days. The project is located in the Potomac-Raritan-Magothy Formation in the Woodbury Creek Watershed in National Park Borough, Gloucester County, NJ.

10. *Waste Management Disposal Services of Pennsylvania, Inc. D-91-47 PA-3.* An application for renewal of a groundwater withdrawal project at Pottstown Landfill to continue withdrawal of up to 0.6 mg/30 days of water to the docket holder's contaminant extraction system from new recovery well RW-7 and from six existing recovery wells (RW-1 through RW-6). The docket holder seeks to retain the existing withdrawal limit from all wells of 0.6 mg/30 days, notwithstanding that its current need is less than 10,000 gpd. The project is located in the Brunswick and Lockatong Formations in the Manatawny Creek Watershed in West Pottsgrove Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area. (This was NAR'd as D-97-47 PA-3.)

11. *Pennsylvania American Water Company D-98-16 CP-2.* An application for the renewal of a groundwater withdrawal project to increase withdrawal from 36 mg/30 days to 61.5 mg/30 days. The requested allocation includes the existing allocation of 36 mg/30 days from Wells PCP No. 2, PCP No. 3, PCP No. 4, PFE No. 2, PFE No. 4, Pine Hill, Summit Point, PMIPA and Coolbaugh No. 1, all approved by Docket No. D-98-16 CP, in addition to the existing allocation of 15.75 mg/30 days for Wells Nos. 1—5 and 7 of the Pocono Farms Water Company, approved by Docket No. D-94-65 CP-2, which was recently acquired by the applicant. The applicant is also seeking approval for a new well, which is designated as the Mt. Pocono Field Office well. The wells are located in the Polar Gap and Catskill Formations in the Tobyhanna Creek, East Branch Tobyhanna Creek, Devils Hole Creek, Red Run and Indian Run Watersheds in Coolbaugh Township and Mt. Pocono Borough, Monroe County, PA. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

12. *Downingtown Area Regional Authority D-98-33 CP-2.* An application for approval of the rerate of the existing Downingtown Area Regional Authority's WWTP. The discharge from the applicant's WWTP will increase from an average annual flow of 7.134 mgd to 7.5 mgd and will continue to be discharged to the East Branch Brandywine Creek. Additional solids handling improvements are also included in the project. The facility is located in East Caln Township, Chester County, PA.

13. *Dow Reichhold Specialty Latex, LLC D-99-32-2.* An application for approval of a ground water withdrawal project to supply up to 5.4 mg/30 days of water to the applicant's reverse osmosis facility from new Well No. 18 and to increase the existing withdrawal from all wells from 17 mg/30 days to 22.4 mg/30 days. The water will be used to create distilled water for the applicant's latex manufacturing facility. The project is located in the Magothy Aquifer in the Fork Branch Watershed, Kent County, DE.

14. *Lonza, Inc. D-99-38-2.* An application requesting approval for an increase in the average monthly and maximum daily TDS limit for the docket holder's industrial waste treatment plant (IWTP) discharge. The request is to increase the average monthly limit from

17,500 mg/l to 20,000 mg/l and to increase the maximum daily limit from 35,000 mg/l to 40,000 mg/l. The docket holder has requested that the average monthly and maximum daily mass loading rates for TDS be increased to 13,344 lb/day and 26,688 lb/day, respectively. The docket holder's IWTP treats effluent from the production of pharmaceutical products. The IWTP discharges to the Schuylkill River. The facility is located in Upper Merion Township, Montgomery County, PA.

15. *Upper Saucon Township D-2000-51 CP-2.* An application for approval of a groundwater withdrawal project to supply up to 32.16 mg/30 days of water to the docket holder's public supply distribution system through one new well (Well No. CC2) and two existing wells (Wells Nos. CC1 and Abandoned Mine Shaft). The individual allocation for the Abandoned Mine Shaft Well is a reduction from the previous allocation of 30 mg/30 days to 3 mg/30 days; however, the proposed total allocation for all sources is an increase from the previous total allocation for all sources of 30 mg/30 days. The project is located in the Brunswick Formation in the Saucon Creek Watershed in Upper Saucon Township, Lehigh County, PA.

16. *Upper Bern Township D-2001-2 CP-2.* An application for approval to expand a 0.055 mgd WWTP to treat 0.155 mgd. The project will continue to serve only a portion of Upper Bern Township, Berks County, PA. The project is needed to serve future growth in the township and to connect some onlot septic systems to the WWTP. The existing sequencing batch reactor plant will be supplemented by a 0.1 mgd biologically engineered single sludge treatment system, which is a modification of the conventional activated sludge process. The existing chlorine disinfection system will be replaced by an ultraviolet light system and the existing headworks will be replaced by a new Rotomat unit. The project is located off the intersection of Main Street and Wolf Creek Road in Upper Bern Township upstream from Blue Marsh Reservoir in the Tulpehocken Creek Watershed. The WWTP will continue to discharge to Wolf Creek, a tributary of Northkill Creek.

17. *The Upper Hanover Authority D-2002-10 CP-2.* An application for the renewal of a groundwater withdrawal project to increase the total system withdrawal from 32.12 mg/30 days to 43.113 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. RH-1, RH-2, RH-3, TUHA-1, TUHA-2, TUHA-3, TUHA-4 and Kemmerer Spring in the Brunswick, Leithsville and Hardyston Quartzite formations. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Perkiomen and Macoby Creeks Watersheds in Upper Hanover Township, Montgomery County and Hereford Township, Berks County, PA and within the Southeastern Pennsylvania Ground Water Protected Area.

18. *Blair Academy D-76-89.* An application for approval of the existing Blair Academy WWTP. The WWTP is permitted to discharge 50,000 gpd to Blair Creek, a tributary of the Paulins Kill River. The facility is located in Blairstown Township, Warren County, NJ, within the drainage area to a section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

19. *Mirant NY-Gen, LLC D-2001-38 CP-1*. An application for approval of the continued operation and remediated control measures of the applicant's Mongaup hydropower and reservoir system. The project is located in the Mongaup River Watershed in Orange and Sullivan Counties, NY in the drainage area of the Upper Delaware portion of DRBC's Special Protection Waters. The project facilities include the Toronto, Cliff Lake and Swinging Bridge Reservoirs, the latter of which provides hydroelectric power and receives flows from the former. In addition, the applicant makes releases from and generates hydroelectric power by means of its Mongaup Falls and Rio Reservoir facilities, also in the Mongaup River Basin. This application modifies an application originally noticed on August 20, 2001, which requested approval of an operating plan for the applicant's Mongaup hydropower and reservoir system. Mirant's Swinging Bridge Reservoir has two powerhouses (Units No. 1 and 2). The modified application includes eliminating the use of Unit No. 1 by filling the gate tower, penstock and tunnel with lightweight concrete. As a result, Unit No. 2 operating time is proposed to be increased from 13% to 30% and to use approximately 97% of the available inflow to the site, with only minor losses of power generation capability. Remedial control measures, including sinkhole backfilling, filter installation to stabilize material movement, and the conduit-related grouting, are being undertaken with the approval of the Federal Energy Regulatory Commission to provide structural repair at the dam, which had undergone subsidence. Mirant determined that complete filling of the conduit would further assure that future subsidence would not recur. Mirant applied for an Emergency Certificate from DRBC to implement the Swinging Bridge Dam modification project in an expeditious manner. The Emergency Certificate was approved by the DRBC on February 13, 2007. The project will not change reservoir volumes or affect reservoir level maintenance, and will not change the regulated flow from the Mongaup River System to the Delaware River.

20. *Pocono Manor Investors, LP D-2006-26-1*. An application for approval of the existing Pocono Manor Resort WWTP discharge of 0.140 mgd. The WWTP will continue to discharge to Swiftwater Creek, which is a tributary to the Brodhead Creek. The Brodhead Creek is a tributary to the Middle Delaware River Special Protection Waters. The facility is located in Pocono Township and currently serves Pocono Manor Village and the Pocono Manor Inn. The facility was built to service the 3,000 acre Pocono Manor property that is located in Pocono Township, Mount Pocono Borough and Tobyhanna Township, Monroe County, PA.

21. *Alcan Global Pharmaceutical Packing, Inc. D-2006-30-1*. An application for the approval of the existing discharge from the applicant's Millville Tube Drawing facility. The facility discharges 84,500 gpd of contact and noncontact cooling water to Petticoat Stream, which is a tributary of the Maurice River. The facility manufactures pressed and blown glassware and cooling water is used to cool the glass furnace and compressors. The facility is located in Millville City, Cumberland County, NJ.

22. *Hudson Valley Foie Gras, LLC D-2006-37-1*. An application for approval to increase an existing discharge from the applicant's WWTP from 4,000 gpd to 20,000 gpd. The WWTP will continue to discharge to the Middle

Mongaup River, which is a tributary of the Mongaup River. The Mongaup River is a tributary to the Upper Delaware River which is designated as Special Protection Waters. The facility is located in Ferndale, Sullivan County, NY.

23. *Joshmor, Inc. D-2007-5-1*. An application for approval to construct a 0.047 mgd WWTP to serve 207 single family homes in the proposed Emerson Chase Development. The project is located in the McMichael Creek Watershed in Jackson and Chestnuthill Townships, Monroe County, PA. Following treatment in a 3-cell lagoon and a filter system, disinfected effluent will be spray applied to approximately 13 acres of adjacent woodland in the drainage area of the Middle Delaware portion of DRBC's Special Protection Waters. Because the proposed lagoon will be lined with synthetic material and will provide up to 177 days of storage, no discharge to McMichael Creek is proposed.

24. *Golden Pheasant Golf Course D-2007-9-1*. An application for approval of a surface water withdrawal project to supply up to 15.4 mg/30 days of water to the applicant's golf course irrigation system from four surface water intakes. The project is located in the South Branch Rancocas Creek Watershed in Lumberton and Medford Townships, Burlington County, NJ.

25. *Unimin Corporation D-2007-14-1*. An application for approval to discharge up to 2.275 mgd to Dividing Creek from a hydraulic dredging operation. After neutralization and sedimentation, wash water from sorted dredge material (slurry sand) along with scalping screen separator water, stormwater and infiltration groundwater is discharged to Outfall 001A. The applicant also discharges to Cub Swamp, a tributary of Dividing Creek, through Outfall 002A during 10-year storm events. The facility is located in the tidal Delaware Bay Watershed in Commercial and Downe Townships, Cumberland County, NJ.

In addition to the public hearing on the dockets listed previously, the Commission's 1:30 p.m. business meeting will include: a public hearing and consideration of a resolution regarding an interim releases program for the New York City Delaware Basin Reservoirs pending notice and comment rulemaking on a revised proposal for a Flexible Flow Management Plan (FFMP); a resolution authorizing the executive director to engage the United States Geological Survey as prime contractor, in collaboration with NOAA/National Weather Service, the United States Army Corps of Engineers and DRBC, for development of a model for evaluating the potential for Delaware Basin Reservoirs to be used to mitigate flooding; a resolution reauthorizing the Toxics Advisory Committee; a resolution authorizing the executive director to engage contractors to design building modifications to improve energy efficiency and reduce cost and to develop RFPs for construction; a resolution authorizing the executive director to solicit bids for building modifications in association with development of the Ruth Patrick River Garden; a resolution providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2007; and a resolution for the minutes providing for annual salary rates of Commission employees for Fiscal Year 2008.

The meeting will also include: adoption of the Minutes of the Commission's February 28, 2007, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel; and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on May 10, 2007, will be posted on the Commission's website, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with any docket-related questions.

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

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 07-745. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture (Department) is soliciting names of research institutions which have an interest in conducting agricultural research during the period of July 1, 2007, to June 30, 2008, and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. Institutions which responded for Fiscal Year 2006-07 will automatically receive a solicitation and do not need to respond again. The Department, through a selection process, will decide which projects are to be placed under contract. Interested parties should submit their name, address and telephone number to Kendy Gable, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 705-3979.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-746. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code; and applications received for the week ending April 17, 2007.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-10-07	Mifflinburg Bank & Trust Company Mifflinburg Union County	8 North Route 11 and 15 Selinsgrove Snyder County	Opened

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-11-07	Meridian Bank Berwyn Chester County	<i>Into:</i> 1776 East Lancaster Avenue Tredyffrin Township Berwyn Chester County <i>From:</i> 1436 Lancaster Avenue Tredyffrin Township Berwyn Chester County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-14-07	Pennsylvania State Bank Camp Hill Cumberland County	715 Wertzville Road Enola Cumberland County	Closed

NOTICES

SAVINGS INSTITUTIONS

No Activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-31-07	Alcose Credit Union, White Oak, and Arcraft Credit Union, North Huntingdon Surviving Institution— Alcose Credit Union, White Oak	White Oak	Effective

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-747. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program State Plan; Public Hearing

The Department of Community and Economic Development (Department) will hold a public hearing at 10 a.m. on Tuesday, May 15, 2007, in Conference Room 4W-1, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for the program year 2007-2008.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984.

Written comments may be submitted by JamesEtta Reed, Director, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on May 15, 2007.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Yvonne Adams at (717) 787-1984 to discuss how the Department may accommodate their needs.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 07-748. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060704	Pleasant Valley Manor, Inc. 4227 Manor Drive Stroudsburg, PA 18360	Monroe County Hamilton Township	McMichaels Creek 01E	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>
PA0103926	Component InterTechnologies, Inc. 2426 Perry Highway Hadley, PA 16130-2998	Perry Township Mercer County	UNT to Little Shenango River 20-A	Y
PA0032603	Devite Mobile Home Park 2546 Ben Franklin Highway Edinburg, PA 16116	Mahoning Township Lawrence County	UNT to Shenango River 20-A	Y

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

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

PA0051993, Sewage, **Giambrone Enterprises, L. P.**, 1030 North West End Boulevard, Quakertown, PA 18951. This existing facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from a restaurant.

The receiving stream, a UNT to Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for North Penn and North Wales Water Authority is located on the Delaware River and is approximately 27 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 mgd.

<i>Parameters</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 mg/l</i>
CBOD ₅			25		50
Total Suspended Solids			30		60
Ammonia as N					
(5-1 to 10-31)			2.5		5.0
(11-1 to 4-30)			7.5		15.0
Phosphorus as P			0.5		1.0
Fecal Coliform (col/100ml)			200		1,000
Dissolved Oxygen			2.0		
			Instantaneous Minimum		
pH (standard units)			6.0		9.0
Total Residual Chlorine			1.2		2.0

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

1. Notification of Designation of Responsible Operator
2. Abandon STP when Public Sewers become Available
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sanitary Sewers
5. Necessary Property Rights
6. Change in Ownership
7. Chlorine Minimization
8. Proper Sludge Disposal
9. Operator Training
10. Laboratory Certification
11. Instantaneous Maximum Limitations
12. Fecal Coliform Reporting

The EPA waiver is not in effect.

PA0020290, Sewage, SIC 4952, **Quakertown Borough**, 35 North Third Street, Quakertown, PA 18951-0727. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 3.1 mgd of treated sewage into Tohickon Creek.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed Three Mile—2D and is classified for TSF. The nearest downstream public water supply intake for PA Water Company is located on the Delaware River and is 29 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.1 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	8	12	16
(11-1 to 4-30)	15	23	30
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 04-30)	6.0		12.0
Phosphorus (as P)	0.5		1.0
Total Residual Chlorine	0.035		0.063
Fecal Coliform	200 colonies/100 ml as a geometric average		1,000 #/100 ml
Dissolved Oxygen	Minimum of 6.0 mg/l at all times		
pH	Within limits of 6.0 to 9.0 standard units at all times		
Chlorobromomethane	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
Phenols, Total	Monitor and Report		
Whole Effluent Toxicity (TU _c)			
(Ceriodaphnia Dubia)	Monitor and Report		
Whole Effluent Toxicity (TU _c)			
(Fathead Minnow)	Monitor and Report		

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

1. The EPA waiver is not in effect.
2. Special Test Methods.
3. Implementation of Pretreatment Program Requirements.
4. Effective Disinfection.
5. Stormwater Requirements.

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

PA-0064122, Industrial, **Conectiv Bethlehem, LLC**, 2254 Applebutter Road, Bethlehem, PA 18015. This proposed facility is located in the City of Bethlehem, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit

The receiving stream, Lehigh River, is in the State Water Plan Watershed No. 2C and is classified for WWF. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 6.18 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>
Zinc				Monitor
Total Chromium				Monitor
pH			6 to 9 standard units	
Free Available Chlorine				0.20
Temperature				110° F

Internal Monitoring Point 101

<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>
Total Suspended Solids			30.0	100.0
Oil and Grease			15.0	30.0

Outfalls 002 and 003

Stormwater only—no specific limitations.

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

Application No. PA 0260754, Sewage, **Thomas Stewart**, 1301 Enola Road, Carlisle, PA 17013. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream, Wertz Run, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Conodoguinet Creek, approximately 17.4 miles downstream. The discharge is expected to affect the water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine		Monitor and Report
pH		From 6.0 to 9.0 inclusive
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		2,000/100 ml as a geometric average

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

The EPA waiver in effect.

Application No. PA 0248746, CAFO, **New Hope Farm**, 23177 Back Road, Concord, PA 17217. Leon Snyder (230 Poplar Road, Fleetwood, PA 19522) and Country View Family Farms, Inc. (6360 Flank Drive, Suite 100, Harrisburg, PA 17112-2766) have submitted an NPDES permit renewal application for New Hope Farm, an existing swine operation located in Fannett Township, **Franklin County**. The CAFO is situated near a UNT of Doylestown Stream (Watershed 12-B), which is classified as a CWF. The CAFO has a target animal population of approximately 1,320 animal equivalent units consisting of 2,750 sows, 1,120 gilts and 20 boars.

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

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

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

Application No. PA 0248347, CAFO, **Lesher's Poultry Farm**, 1153 Swamp Fox Road, Chambersburg, PA 17201-8865. Lesher's Poultry Farm, Inc. has submitted an application for an NPDES permit for an existing CAFO of the same name, located in Guilford Township, **Franklin County**. The farm consists of three layer barns housing 270,254 laying hens and one pullet barn housing 95,500 pullets, for a total of 1,063 animal equivalent units. The farm is situated near a UNT of Conococheague Creek which is classified for WWF.

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

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

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

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

PA0001236, Industrial Waste, SIC 3613, **Eaton Electrical**, One Tuscarawas Road, Beaver, PA 15009. This application is for renewal of an NPDES permit to discharge treated process water and untreated cooling water stormwater from the Vanport Plant in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters of Two Mile Run and the Ohio 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 Midland Borough Water Authority, located on the Ohio River, 8.0 miles below the discharge point.

Outfall 302: existing discharge, design flow of 0.168 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease			15.0	30.0	
Total Suspended Solids			31.0	62.0	
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Outfall 002 receives wastewater from Internal Monitoring Point 302. Effluent limits are imposed and monitored at this internal monitoring point.

Outfall 006: existing discharge, design flow of 0.038 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (° F)					
June 1-15				110	
June 16-30				110	
July 1-31				106	
August 1-31				104	
September 1-15				97	
September 16-30				91	
Zinc	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfalls 001, 008, 009: existing stormwater discharge, design flow of varied mgd

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

Outfalls 003—005 and 007: stormwater discharge, design flow of varied mgd.

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

The EPA waiver is not in effect.

PA0253359, Industrial Waste, SIC 4941, Cambria Somerset Authority, 244 Walnut Street, Johnstown, PA 15901. This application is for issuance of an NPDES permit to discharge two raw water supply line 'blow-offs' from the Cambria Somerset Authority in Franklin, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as outfalls 001—Hinckston Run; 002—Peggy's Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Greater Johnstown Water Authority, located at Johnstown, greater than 20 miles below the discharge point.

Outfall 001 and 002: new discharge, design flow of measured mgd.

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

The EPA waiver is in effect.

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

PA0210625, Industrial Waste. Bradford Forest Inc., 44 High Street, Bradford, PA 16701-0369. This proposed facility is located in Borough of Bradford, **McKean County**.

Description of Proposed Activity: a new NPDES permit for an existing discharge of untreated stormwater and wet decking.

The receiving water is a UNT (wetlands) to East Branch Tunungwant Creek and Rutherford Run. The receiving stream is in State Water Plan 16-C and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, State of New York, is located on Tunungwant Creek and is approximately 4.8 miles below the point of discharge.

- The proposed effluent limits for Outfall 001 based on a design flow of n/a mgd.
- The proposed effluent limits for Outfall 002 based on a design flow of n/a mgd.
- The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.
- The proposed effluent limits for Outfall 004 based on a design flow of n/a mgd.
- The proposed effluent limits for Outfall 007 based on a design flow of n/a mgd.
- The proposed effluent limits for Outfall 009 based on a design flow of n/a mgd.
- The proposed effluent limits for Outfall 010 based on a design flow of n/a mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow		XX	
CBOD		XX	
TSS		XX	
Total Al		XX	
Total Iron		XX	
Total Mn		XX	
Dissolved Oxygen		XX	

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

The proposed effluent limits for Outfall 005 based on a design flow of 0.002 mgd.

The proposed effluent limits for Outfall 006 based on a design flow of 0.002 mgd.

The proposed effluent limits for Outfall 008 based on a design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		XX	
CBOD		XX	
TSS		XX	
Total Al		XX	
Total Iron		XX	
Total Mn		XX	
Dissolved Oxygen		XX	
pH		XX	

There shall be no discharge of woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 centimeter (1.0 inch) diameter round opening.

XX—Monitor and report on DMRs.

The EPA waiver is in effect.

PA0040380, Sewage, **Country Roads Mobile Home Park**, 811 Rose Stop Road, New Castle, PA 16101. This proposed facility is located in Shenango Township, **Lawrence County**.

Description of Proposed Activity: New permit to continue an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the potable water supply (Public Water Supplier) is located on the Slippery Rock Creek (Salvation Army Camp Allegheny) and is approximately 7 miles below point of discharge.

The receiving stream, the UNT to Hell Run, is in Watershed 20-C and classified for exceptional value, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0125 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(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 average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5		3.5
Dissolved Oxygen		at least 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0024970, Sewage, **Department of the Army**, Pittsburgh District, Corps of Engineers, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4188. This facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Activity: New permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Public Water Supplier and is located on the Shenango River (Sharpsville Municipal Water Authority) and is approximately 32.64 miles below point of discharge.

The receiving stream, the Shenango River, is in Watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.052 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0239976, Industrial Waste, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. This proposed facility is located in New Bethlehem Borough, **Clarion County**.

Description of Proposed Activity: a new permit for new discharge replacing an existing discharge of treated industrial waste.

The receiving water is Redbank Creek. The receiving stream is in State Water Plan 17-C and is classified for the following uses: TSF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Kittanning Suburban Joint Water Authority, is located on the Allegheny River and is approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.04 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Total Suspended Solids	30.0	60.0	75.0
Aluminum	0.8	1.5	1.9
Iron	2.0	4.0	5.0
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA0239861, Sewage, **Cochranton Borough**, 109 East Adams Street, Cochranton, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

Description of Proposed Activity: A new NPDES Permit for a new discharge of treated sewage. This permit is being redrafted to change effluent copper to monitor and report and to incorporate Special Conditions to help ensure endangered mussels protection downstream in French Creek.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company located on the Allegheny River and is approximately 53 miles below point of discharge.

The receiving stream, French Creek, is in Watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.175 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅	32	48	22	33	44
Total Suspended Solids	44	66	30	45	60
Fecal Coliform (5-01 to 9-30)			200/100 ml as a geometric average		
(10-01 to 4-30)			2,000/100 ml as a geometric average		
Ultraviolet Disinfection			Monitor and Report Intensity		

Parameters	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
NH ₃ -N (5-01 to 10-31)	11.7		8		16
(11-01 to 4-30)	35		24		48
Phosphorus	2.9		2		4
Dissolved Oxygen			Minimum 3		
Copper	XX		XX		XX
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

Special Conditions to ensure Endangered Mussel Protection

1. Daily WWTP observations required.
2. Inline continuous effluent monitoring/alarm system requirement.
3. Adoption of pretreatment program ordinance.
4. Requirement to develop a PPC Plan with focus on endangered mussel protection.
5. Requirement to develop a Contingency Plan for effluent copper removal.

The EPA waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications 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. 0707401, Sewerage, **Clappertown Christian Missionary & Alliance Church**, R. D. 2, Box 19, Williamsburg, PA 16693. This proposed facility is located in Huston Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit authorization for the construction/operation of a sewage treatment system to replace a malfunctioning system.

WQM Permit No. WQG02210702, Sewerage, **Wormleysburg Borough**, 20 Market Street, Wormleysburg, PA 17043. This proposed facility is located in Wormleysburg Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit authorization for the construction/operation of sewer extension and pump station to serve The Woods at Waterford.

WQM Permit No. 2107403, Sewerage, **Newville Borough Water & Sewer Authority**, 99 Cove Alley, Newville, PA 17241. This proposed facility is located in Penn and West Pennsboro Townships, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit authorization for the construction/operation for the Route 233 Sanitary Sewer and Water Extension including: two pumping stations, force mains, gravity sewer and a water service line.

WQM Permit No. 3607202, CAFO, **Brubaker Farms Partnership, Mike and Luke Brubaker**, 493 Musser Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit authorization for the expansion of their existing dairy farm with a broiler operation. There are two existing manure storage structures on the farm. The farm will undergo an expansion that will include a methane digester.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010907001	269 Canal Road, LP 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7713	Bucks	Warminster Township	Delaware Division of the PA Canal WWF
PAI011507018	Benco Associates 625 Todd Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF

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<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014607002	Summit Realty Advisors, LLC 621 Delaware Street New Castle, DE 09720	Montgomery	Ambler Borough	Wissahickon Creek/Schuylkill River TSF

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

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N029R(1)	First National Acquisition, Inc. 200 Phillips Road Exton, PA 19341-1326	Lackawanna	Covington Township	Lake Run HQ-CWF Roaring Brook HQ-CWF Tamarack Creek HQ-CWF Meadow Brook HQ-CWF

Schuylkill County Conservation District: 1206 Agriculture Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025404004(1)	Yudacot Limited Partnership P. O. Box 279 St. Clair, PA 17970	Schuylkill	Ryan Township	Codorus Creek HQ-CWF

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

NPDES Permit PAS10S119, Stormwater, **Alpine Rose Resorts, Inc.**, 4626 Kathi Drive, Bethlehem, PA 18017-8701, has applied to discharge stormwater associated with a construction activity located in Eldred Township, **Monroe County** to Aquashicola Creek (HQ-CWF). This notice involves a revision to the previous permit to include an Antidegradation Analysis.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032107001	Traditions of America-Anderson 1233 Locust Street 4th Floor Philadelphia, PA 19107	Cumberland	South Middleton Township	Letort Spring Run/EV

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407006	Andrea Grazzini Grazzini LDP, Phase I 487 Nimitz Avenue State College, PA 16801	Centre	Benner Township	UNT of Buffalo Run HQ-CWF

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041706003	Department of Transportation District 2-0 1924-30 Daisy Street P. O. Box 342 Clearfield, PA 16830	Clearfield	Goshen and Lawrence Townships	Lick Run HQ-CWF

Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044107001	Grizzly Industries, Inc. 1815 West Battlefield Street Springfield, MO 65807	Lycoming	Muncy Township	WB Susquehanna River WWF

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI2046007001	Donald O. Hower Rapid Run Development 69 Maple Street Mifflinburg, PA 17844	Union	West Buffalo Township	Rapid Run HQ-CWF

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

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

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

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

Application No. 1307501, Public Water Supply.
Applicant **Vogel Farm Spring Water**
Packer Township
Carbon County

Responsible Official James Dulcey
Vogel Farm Spring Water
174 Dulcey Road
Weatherly, PA 18255
Type of Facility Bulk Water Hauling System
Consulting Engineer Kenneth M. Justice, P. E.
211 E. 11th Avenue
Conshohocken, PA 19428
Application Received Date April 9, 2007
Description of Action The development of a spring source. The water is treated by cartridge filtration, UV and ozonation prior to storage in a silo for loading tanker trucks.

Application No. 1307502, Public Water Supply.
Applicant **Broad Mountain Spring Water**
Packer Township
Carbon County
Responsible Official James Dulcey
Broad Mountain Spring Water
174 Dulcey Road
Weatherly, PA 18255
Type of Facility Bulk Water Hauling System
Consulting Engineer Kenneth M. Justice, P. E.
211 E. 11th Avenue
Conshohocken, PA 19428
Application Received Date April 9, 2007
Description of Action The development of a spring source. The water is treated by cartridge filtration, UV and ozonation prior to storage in a silo for loading tanker trucks.

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

Permit No. 0607507, Public Water Supply.
Applicant **Pennsylvania American Water**
Municipality Exeter Township
County **Berks**

Responsible Official David R. Kauffman
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Paul J. Mourt, P. E.
Hatch Mott MacDonald
27 Bleeker Street
Millburn, NJ 07041

Application Received March 27, 2007

Description of Action Demolition of existing wooden-roofed finished water storage reservoirs (2), construction of new ground level 300,000 gallon finished water storage tank, construction of new underground booster pump station to replace existing station on golf course.

Consulting Engineer Alfred Benesch & Company
400 One Norwegian Plaza
P. O. Box 1090
Pottsville, PA 17901

Application Received Date March 16, 2007

Description of Action The installation of a 20,000 gallon water storage tank.

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

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 Minor Amendment, Public Water Supply.

Applicant **LURRS**
Lehigh Township
Northampton County

Responsible Official Mark J. Leuthe, Partnership Agent
499 Riverview Drive
P. O. Box 68
Walnutport, PA 18088
(610) 767-8545

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date April 11, 2007

Description of Action Application for transfer of PWS operations permit No. 3480049 from Heritage Village Water Authority to LURRS, a Pennsylvania General Partnership.

Application Minor Amendment, Public Water Supply.

Applicant **Mehoopany Township Municipal**
Mehoopany Township
Wyoming County

Responsible Official Neal Wintermute, Chairperson
Mehoopany Township Municipal Authority
R. R. 2, Box 50
Main Street
Mehoopany, PA 18629

Type of Facility Public Water System

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.

Ramalho Residence, Lower Moreland Township, **Montgomery County**. On behalf of Lewis Ramalho, 3485 Brae Bourn Drive, Hindington Valley, PA 19006 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on December 7, 2006.

269 Canal Road, Falls Township, **Bucks County**. Trevan Houser, Land Resource Solutions, LLC, 1274 N. Church Street, NJ 08057 on behalf of Anthony Cino, 269 Canal Road, LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Groundwater at the site has impacted by release of inorganics. The future use of the site is proposed for commercial redevelopment as a Brownfield site.

Trans Materials, West Goshen Township, **Chester County**. Christopher Ward, RT Env. Service, Inc., Pureland Complex, 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of Senya Isayeff, IRR-Keystone Community Alliance-West Goshen, 550 Union Street, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of chlorinated solvents. The future use of the site is nonresidential, mixed-use warehouse and office space.

Hafer Farm Property, New Hanover Township, **Montgomery County**. Richard Ley, MARCOAR Remediation, Inc., 540 Trestel Place, Downingtown, PA 19335 on behalf of Marlene Troxell, National Penn Investors rust-Trustee Hafer Est., 2201 Ridgewood Road, No. 180, Wyomissing, PA 19610 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of unleaded gasoline. The future intended use of the property is private residential.

Marlin Residence, Lower Providence Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc, 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Mr. and Mrs. Marlin, 3962 Township Line Road, Collegetown, PA 19426 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on March 10, 2007.

Francis Freas Glass Works, Conshohocken Borough, **Montgomery County**. On behalf of Douglass Marzell, Francis Freas Glass Works, 144-148 East 9th Avenue, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinated solvents. The future use of the property is nonresidential, and will be a continuation of the current manufacturing operations and office use.

Four Falls Corp. Center, West Conshohocken Borough, **Montgomery County**. Michael Christie, Penn

E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Richards Evans, Thomas Properties Group, Inc., 200 Four Falls, Suite 109, West Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of Nos. 4-6 fuel oil. The future use of the site will remain the same.

Keystone Industrial Port Complex/Lot 8 Phase 4, Fairless Hills, **Bucks County**. Jeffrey Smith, Langan Engineering and Env. Service, Inc., 30 S. 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corp., 600 Grant Street, Philadelphia, PA 15219, has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinated solvents. The subject property is currently vacant. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on March 12, 2007.

Colony Arms Apts., Lower Providence Township, **Montgomery County**. Herbert Grant, Con-Tech Services, Inc., 23 East Front Street, Media, PA 19063 on behalf of Dan Stephano, Colony Arms Assoc., P. O. Box 370, Springs House, PA 19477 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The property use will remain the same as present, a residential apartment complex. A summary of the Notice to Intent to Remediate was reported to have been published in the *Times Herald* on March 20, 2007.

905 Bristol Pike, Bristol Township, **Bucks County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Robert White, Redevelopment Authority of Bucks County, One North Wilson Avenue, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will remain the same.

18 Chestnut Street, Sadsbury Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 E. First Avenue, Collegetown, PA 19426 on behalf of Joseph DiSciullo, 444 West Lincoln Highway, Coatesville, PA 19320 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of unleaded gasoline.

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

Former Leach-Covington Property, Tunkhannock Township, **Monroe County**. Richard D. Trimpi, CHMM, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate (on behalf of his client, Argyle Watterston, Option One Mortgage Corporation, 6531 Irvine Center Drive, Irvine, CA 92618) concerning the remediation of soils and groundwater found to have been impacted by No. 2 fuel oil as the result of an accidental release. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Pocono Record* on April 10, 2007. The intended future use of the site will be residential.

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

Schoppert Residence, Fairview Township, **York County**. Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of Michelle Schoppert, 727 Old Quaker Road, Lewisberry, PA 17339-9789, submitted a Notice of Intent to Remediate site soils

contaminated with No. 2 fuel oil released from an aboveground storage tank. The property is and will remain a private residence. The applicant is seeking to remediate to the Residential Statewide Health Standard.

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

Sheetz Store No. 280—Mill Hall, Bald Eagle Township, **Clinton County**, Mountain research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Toluene, Ethylbenzene, Xylene, Naphthalene, Cumene and Lead; groundwater is also contaminated with MTBE. The applicant proposes to remediate the site to meet the Site-Specific Standard.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

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

PLAN APPROVALS

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

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

06-05112A: WBLF Acquisition Co., LLC (256 Eagle View Boulevard, Exton, PA 19341) for construction of additional municipal solid waste landfill cells controlled by a gas collection system and enclosed ground flare in Cumru Township, **Berks County**. The facility will be subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources.

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

37-257A: Mohawk Area School District, (Mohawk School Road, Bessemer, PA 16112) for changing sulfur content of coal allowance from 1.5% sulfur to 2.0% sulfur at the Mohawk Elementary School in North Beaver Township, **Lawrence County**. This is not a Title V facility.

61-185D: Heath Oil Co. (SR 8, Barkeyville, PA 16038) for modification of Plan Approval 61-185C conditions with regards to NSPS Subpart XX for Bulk Gasoline Terminals in Barkeyville Borough, **Venango County**. This is a State-only facility.

61-185E: Heath Oil Co. (SR 8, Barkeyville, PA 16038), for combustion of various fuels, in addition to oil and natural gas, in the heaters for Source 105 in Barkeyville Borough, **Venango County**. This is a State-only facility.

10-350B: Cloverleaf Group, Inc. (1 Trueserve Way, East Butler, PA 16029) for replacement of a SIAS Color Press (Source 108) with a new Thieme 5 Color Press (Source 118) in East Butler Borough, **Butler County**. This is a State-only facility.

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

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

46-0032C: SPS Technologies, LLC (301 Highland Avenue, Jenkintown, PA 19046) for modification of an existing plan approval (No. 46-0032B) to allow an increase in the use of a solvent, trichloroethylene, for a vapor degreaser, from 12 to 26 tons per 12-month rolling sum at its facility in Abington Township, **Montgomery County**. This facility is a Title V facility. This solvent increase will result in HAP emissions of less than 12 tpy as currently permitted in the existing plan approval. The Plan Approval and Operating Permit will contain recordkeeping

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

09-0179: Bucks County Furniture, LTD (174 Keystone Drive, Telford, PA 18969) for installation of a surface coating process and control equipment at the company wood furniture manufacturing facility in West Rockhill Township, **Bucks County**. The surface coating process consists of three spray booths with dry panel filters in each booth and off-Line Spraying/Staining Operation. The Bucks County Furniture facility is a synthetic minor facility with the VOC emission limit of less than 25 tpy. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

15-0039A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422-0465) for modification to the existing Batch Mix Asphalt Plant at their Downingtown facility in East Caln Township, **Chester County**. The facility is a non-Title V facility for any of air pollutants. This asphalt plant is subject to CFR Part 60 Subpart I-Standards of Performance (NSPS) for Hot Mix Asphalt Facilities. The Plan Approval will allow the installation of a new fuel burner to minimize NOx and VOC emissions. No emission increase at the facility is expected. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

54-399-041: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252-0420) for construction of 11 ribbon mixers to produce aluminum pigment at their facility in Rush Township, **Schuylkill County**. This aluminum pigment manufacturing facility is a Title V facility. This installation will result in an emission increase of 13.78 tpy of VOCs from the facility. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

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

06-05079D: United Corrstack, LLC (720 Laurel Street, Reading, PA 19602) for construction of a 482 mmBtu/hr circulating fluidized bed boiler and a 30 MW steam turbine adjacent to the company's existing plant in the City of Reading, **Berks County**. The boiler will burn biomass as well as other residual fuels. The boiler will be equipped with a dry sorbent injection system for acid gas control; multiclone and electrostatic precipitator for particulate control; and selective catalytic reduction system for NOx control. Fabric filters will control storage and conveying equipment.

United Corrstack, LLC requested a limit of 8,500 operating hours per year. With this limit placed on production, total facility emissions are expected to be less than 96 tpy of NOx, 92 tpy of SOx, 99 tpy of CO, 96 tpy of PM/PM10, 17 tpy of VOCs, 13 tpy of ammonia, 7 tpy of sulfuric acid mist and 9.6 tpy of HCl.

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

1. For any 12-consecutive month period, the boiler shall not exceed 8,500 hours of operation including start up and shut down times.

2. For any 12-consecutive month period, United Corrstack, LLC shall maintain facility wide emissions to less than major source thresholds.

3. The boiler will be subject to 40 CFR 60, Subpart Db. United Corrstack, LLC shall comply with all applicable requirements of the Subpart.

4. United Corrstack, LLC will install, calibrate, maintain and operate continuous flue gas monitoring systems for measuring SO₂, NOx, CO, O₂ and opacity.

5. United Corrstack, LLC is required to keep pollutant emissions from the new boiler to the minimum attainable by use of best available technology. Specific pollutant emission limits are:

<i>Pollutant</i>	<i>Emission limit</i>
SO ₂	0.044 lb/mmBtu (30-day rolling average) measured by CEMS
Filterable PM	0.029 lb/mmBtu (3-hour block average)
Total particulate matter (PM-10)	0.046 lb/mmBtu (3-hour block average)
CO	0.047 lb/mmBtu (3-hour block average) measured by CEMS
NOx	0.042 lb/mmBtu (30-day rolling average) measured by CEMS
VOCs	0.008 lb/mmBtu (3-hour block average)
HCl	0.005 lb/mmBtu (3-hour block average)
HF	0.0005 lb/mmBtu (3-hour block average)
NH ₃	0.006 lb/mmBtu (3-hour block average)
H ₂ SO ₄	0.003 lb/mmBtu (3-hour block average)
Opacity measured by COMS	10% (3-minute average) except 30% for one 3-minute period/hr

6. United Corrstack, LLC shall conduct performance testing to verify boiler emissions. Flue gas exhaust shall be tested using the following methods:

- EPA Reference Method 5, 5B or 17 for filterable PM
- EPA Reference Method 202 for condensable PM10
- EPA Reference Method 6C for SO₂
- EPA Reference Method 8 for H₂SO₄
- EPA Reference Method 10 for CO
- EPA Reference Method 18 for sampling PAH
- EPA Reference Method 23 for D/F
- EPA Reference Method 25A for VOCs
- EPA Reference Method 26 for HCl and HF

- EPA Reference Method 29 for metals
- EPA Reference Conditional Test Method CTM-027 for NH₃

7. At a minimum of once each week United Corstack, LLC shall conduct an inspection around the facility perimeter to detect any visible emissions, fugitive emissions and/or malodors.

8. To maintain facility wide emissions to less than major source thresholds, United Corstack, LLC will limit the fuel bound elements as follows: sulfur to 1.45% by weight of the fuel mix, nitrogen to 1.5% by weight of the fuel mix and chlorine to 0.2% by weight of the fuel mix. A representative sample of fuel shall be tested monthly for sulfur, nitrogen and chlorine. The permittee shall use the test results to monthly calculate and record HCl emissions for the past month and the 12-month rolling total of HCl emissions for the past 12-months.

9. Total dissolved solids in the cooling tower water shall not exceed 1,500 ppm.

The plan approval and resulting operating permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

08-00002A: E.I. DuPont de Nemours & Co., Inc. (R. D. 1, Box 15, Towanda, PA 18848) for modification and installation of an air cleaning device on a polymer-coated metal foil treating oven in North Towanda Township, **Bradford County**.

The facility in which the respective oven is located is a major (Title V) facility for which a Title V Operating Permit (No. 08-00002) has been issued.

Residual VOCs from the polymer coating on the metal foil are emitted from the electrically-heated oven during the treating process. The respective modification is an increase in oven usage such that the potential uncontrolled VOC emissions will increase from a maximum of .75 tpy to a maximum of 11.7 tpy. The proposed air cleaning device is a condenser.

Following the installation of the condenser, the VOC emissions from the oven will not exceed a maximum of .25 tpy. None of the VOCs emitted will be HAPs.

The Department of Environmental Protection's (Department) review of the information submitted by E.I. duPont de Nemours & Co., Inc. indicates that the respective oven will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the condenser, including the BAT provision of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the modification of, and installation of a condenser on, the respective oven. Additionally, if the Department determines that the oven is operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following the oven modification and condenser installation, the Department intends to incorporate the plan approval conditions into Title V Operating Permit 08-00002 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

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

1. Prior to the installation of the condenser, the VOC emissions from the oven shall not exceed .75 ton in any 12-consecutive month period. Following the installation of the condenser, the oven shall not thereafter be operated without the simultaneous operation of the condenser and the VOC emissions shall not exceed .25 ton in any 12-consecutive month period. There shall be no hazardous air pollutant emissions from the oven either before or after the installation of the condenser.

2. The temperature of the condenser exhaust shall not exceed 30° F at any time the oven is in operation. Additionally, the oven shall be equipped with an interlock system that will prevent the oven heaters from functioning if the temperature of the condenser exhaust exceeds 30° F.

3. The condenser shall be equipped with instrumentation to continuously monitor both the condenser exhaust temperature and the pressure differential across the condenser.

4. Condenser condensate shall be collected in an enclosed system and stored in closed containers.

5. The permittee shall maintain comprehensive accurate records of the oven throughput each month, the amount of condenser condensate collected each month and the identity of the VOCs contained in the polymer coating of each roll of foil processed through the oven.

A copy of the plan approval application is available for public inspection during normal business hours at the address as follows. Persons interested in inspecting the application must schedule an appointment in advance.

Any person wishing to protest the issuance of plan approval or provide the Department with additional information which he/she believes should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the department at the address listed.

Protests or comments must be received by the Department within 30 days of the last date of publication of this notice in order to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation in the Towanda area or by letter or telephone if the Department feels that notification is sufficient.

Written comments, protests or requests for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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.

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

V06-013: Exelon Generating Co.—Delaware Station (1325 North Beach Street, Philadelphia, PA 19125) for operation of an electric generating facility in City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 233 mmBtu/hr combustion turbines and one 284 mmBtu/hr combustion turbine.

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

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

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

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

39-00086: We Are Pets, Inc., (9923 Old Route 22, Breinigsville, PA 18031) for an animal crematory in the Weisenberg Township, **Lehigh County**. The facility's main source is a propane gas fired Pet Crematory. The facility has the potential to emit PM, VOCs, HAPs, NOx, SOx and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

66-00003: Deer Park Lumber, Inc. (1301 SR 6E, Tunkhannock, PA 18657) for a hardwood sawmill in Tunkhannock Township, **Wyoming County**. The only source at the facility is one wood fired boiler with two multiclone collectors. The facility has the potential to emit PM, VOCs, HAPs, NOx, SOx and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

31-03003: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for operation of

a stationary and a portable limestone crushing plant at their Orbisonia Quarry in Cromwell Township, **Huntingdon County**. This action is the issuance of a State-only operating permit.

36-03092: Donegal Rock Products, LLC (1330 Charlestown Road, Phoenixville, PA 19460) for operation of their limestone crushing plant at the company's Rheems Quarry in West Donegal Township, **Lancaster County**. This action is a renewal of the previous operating permit and all permit requirements remain in effect.

67-03079: Hercon Lab (101 Sinking Spring Lane, P. O. Box 467, Emigsville, PA 17318) for natural minor operating permit renewal for operation of a transdermal patch solvent coater controlled by a natural gas fired, 2.1 mmBtu/hr incinerator in Manchester Township, **York County**. The annual emissions of the VOC, NOx and PM from the operation are less than 1 ton each. The natural minor operating permit renewal shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

17-00002: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for renewal of a State-only operating permit for operation of a natural gas compressor station (Helvetia Compressor Station) in Brady Township, **Clearfield County**.

The facility incorporates a 330 horsepower natural gas-fired reciprocating internal combustion compressor engine, a .375 mmBtu/hr natural gas-fired triethylene glycol dehydration system and three storage tanks. This facility has the potential to emit up to 41.81 tons of NOx, 8.85 tons of VOCs, 5.21 tons of CO, .65 ton of PM (including .65 ton of PM10), .01 ton of SOx and 1.65 tons of HAP per year.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 17-00002. The Department intends to incorporate into this renewal all conditions currently contained in State-only Operating Permit 17-00002 with these exceptions, changes and/or additions:

1. Conditions requiring monthly "walk around" inspections of the facility and the maintenance of records of these inspections have been removed from the permit as the Department feels that the type of permit condition violations that would be the most likely to occur at this facility cannot be detected during a "walk around" inspection. Inspections are consequently of questionable value.

2. A condition requiring the reporting of malfunctions has been revised to make it clear that only equipment malfunctions with the potential to cause air contaminant emission limitation or permit condition violations need be reported.

3. A condition requiring records to be maintained of the calculations used to verify compliance with the PM and SOx emission limitations for the 330 horsepower compressor engine has been removed from the permit as it is virtually impossible for a natural gas-fired engine to exceed the respective limitations.

4. Conditions have been added to the permit restricting the fuel used in the 330 horsepower compressor engine and dehydration unit to natural gas.

5. A condition requiring the maintenance of records of the vapor pressure of the materials stored in two of the

facility's three storage tanks has been modified to also require the maintenance of the identity of the materials stored in the respective two tanks.

6. A condition prohibiting the storage of materials with a vapor pressure equal to, or greater than, 1.5 pounds per square inch in two of the facility's three storage tanks unless the tanks are equipped with a pressure relief valve has been revised to prohibit the storage of materials with a vapor pressure greater than 1.5 pounds per square inch under actual storage conditions.

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

26-00558: Hunter Panels, LLC (P. O. Box 7000, Carlisle, PA 17013) for polyisocyanurate foam panel manufacturing at facility in Georges Township, **Fayette County**.

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

25-00095: Lord Corp., MPD (1635 West 12th Street, Erie, PA) for a Synthetic Minor Permit to operate a fabricated rubber products manufacturing facility in Erie City, **Erie County**. The facility has voluntary limits for VOC and HAP emissions in order to maintain Synthetic Minor status.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water

Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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 (result-

ing from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

Permit Number: 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company,

(P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Bailey Mine and Prep Plant in Richhill, Aleppo and Gray Townships, **Greene County** and West Finley Township, **Washington County** and related NPDES permit. No additional discharges. Application received on February 22, 2007.

Permit Number: 30841310 and NPDES Permit No. PA0046132, Duquesne Light Company, (1800 Seymour Street, Pittsburgh, PA 15233-1134), to renew the permit for the Warwick Mine No. 3 in Dunkard, Perry, Greene and Whiteley Townships, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received on March 20, 2007.

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

56920104 and NPDES No. PA0599468. Commercial Coal Sales, Inc., P. O. Box 148, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 71.0 acres. Receiving streams: UNT to Middle Creek, Middle Creek, UNT to Casselman River and Casselman River classified for the following uses: TSF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received on April 5, 2007.

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

03020110 and NPDES Permit No. PA0250244. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA

15767). Renewal application for reclamation only to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 73 acres. Receiving stream: UNT to Redbank Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: The Borough of Hawthorn. Renewal application received on April 12, 2007.

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

54070102. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), commencement, operation and restoration of an anthracite surface mine, refuse reprocessing and refuse disposal operation in Butler Township, **Schuylkill County** affecting 149.7 acres, receiving stream: none. Application received on April 6, 2007.

54860206R4. South Tamaqua Coal Pockets, Inc., (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing coal refuse reprocess and refuse disposal operation in West Penn Township, **Schuylkill County** affecting 65.0 acres, receiving stream: none. Application received on April 10, 2007.

Noncoal Applications Received

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

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

¹ The parameter is applicable at all times.

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

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

07070301 and NPDES No. PA0262374. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803-1649, commencement, operation and restoration of a noncoal surface mine and stream encroachments for Schmucker Run and UNT Nos. 1—3, Nos. 5—8 in Woodbury Township, **Bedford County**, affecting 98.7 acres. Receiving stream: Schmucker Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 22, 2007.

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

4473SM10 and NPDES Permit No. PA0119440. Penn Coal Land, Inc. (P. O. Box 68, Boswell, PA 15531), renewal of NPDES Permit in Decatur Township, **Clearfield County**. Receiving streams: UNT to Little Laurel Run to Laurel Run to Moshannon Creek to West

Branch Susquehanna River and UNT to Coal Run to Moshannon Creek to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received on February 23, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

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

E01-265: DRAMKA, Inc., 1 Barnhart Drive, Hanover, PA 17331, Straban Township, **Adams County**, USACOE Baltimore District.

To construct and maintain a road crossing impacting 0.29 acre of PEM wetlands and including seven 106-foot long, 12-inch diameter CMP's, a 12-inch water line, an 8-inch sanitary sewer line, a 27-inch stormwater line and conduits for gas, electric, phone and cable all in associated wetlands to a UNT to Rock Creek (WWF) and to place fill material within the floodway of a UNT to Rock Creek (WWF) located east of Old Harrisburg Road and north of Shealer Road (Gettysburg, PA Quadrangle: Latitude: 39° 51' 22"; Longitude: 77° 12' 46", N: 19.3 inches; W: 12.3 inches) in Straban Township, Adams County.

The permittee is required to provide 0.29 acre of replacement wetland. The permittee has proposed 0.36 acre of replacement wetland onsite adjacent to the remaining PFO wetland.

E21-394: Hampden Township Sewer Authority, William J. Greene, 230 South Sporting Hill, Mechanicsburg, PA 17055, Hampden Township, **Cumberland County**, ACOE Baltimore District.

To conduct various activities as follows:

1. To remove 150-foot long of the existing 60-inch diameter stream enclosure at the upstream end and then to construct and maintain a 60-inch diameter having a total length of 280 feet with three 9-foot diameter junction manholes to be connected at the existing enclosure (Harrisburg West, PA Quadrangle N: 4.34 inches; W: 14.34 inches, Latitude: 40° 16' 26"; Longitude: 76° 58' 41").

2. To fill in a 90-foot long stream channel of, and a 0.03 acre of de minimis wetland, to construct and maintain a 24-inch diameter outfall pipe with riprap protection and riprap lined outlet channel of a retention basin along a

UNT to Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 4.34 inches; W: 14.34 inches, Latitude: 40° 16' 26"; Longitude: 76° 58' 41").

3. To construct and maintain a 24-inch diameter by 20-foot long sanitary sewer line along an Sears Run (WWF) located just upstream of the access lane (Harrisburg West, PA Quadrangle N: 4.34 inches; W: 13.91 inches, Latitude: 40° 16' 27"; Longitude: 76° 58' 33").

4. To construct and maintain a 24-inch diameter by 25-foot long sanitary sewer line and a 24-inch diameter by 20-foot long HDPE pipe culvert along a UNT to Sears Run (WWF) located just downstream of the access lane (Harrisburg West, PA Quadrangle N: 4.20 inches; W: 13.75 inches, Latitude: 40° 16' 23"; Longitude: 76° 58' 25").

5. To construct and maintain a 24-inch diameter by 40-foot long sanitary sewer along Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 3.95 inches; W: 13.64 inches, Latitude: 40° 16' 19"; Longitude: 76° 58' 22").

6. To construct and maintain a 24-inch diameter by 100-foot long sanitary sewer along a 0.05 acre of de minimis wetland (WWF) (Harrisburg West, PA Quadrangle N: 3.90 inches; W: 13.64 inches, Latitude: 40° 16' 18"; Longitude: 76° 58' 22").

7. To construct and maintain a 24-inch diameter by 40-foot long sanitary sewer along Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 3.85 inches; W: 13.64 inches, Latitude: 40° 16' 16"; Longitude: 76° 58' 22").

8. To construct and maintain a 24-inch diameter by 60-foot long sanitary sewer line along a 0.05 acre of de minimis wetland (Harrisburg West, PA Quadrangle N: 3.52 inches; W: 13.55 inches, Latitude: 40° 16' 10"; Longitude: 76° 58' 20").

9. To construct and maintain a 24-inch diameter by 15-foot long sanitary sewer line and a 48-inch diameter by 110-foot long CMP culvert with a 30-foot long riprap protection along a UNT to Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 3.20 inches; W: 13.20 inches, Latitude: 40° 16' 04"; Longitude: 76° 58' 11").

10. To construct and maintain a 24-inch diameter by 15-foot long sanitary sewer line and a 48-inch diameter by 60-foot long CMP culvert with a 30-foot long riprap protection along a UNT to Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 3.10 inches; W: 13.20 inches, Latitude: 40° 16' 04"; Longitude: 76° 58' 11").

11. To construct and maintain a 24-inch diameter by 25-foot long sanitary sewer line and a 36-inch by 65-foot long CMP culvert with a 30-foot long riprap protection along a UNT to Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 3.30 inches; W: 12.80 inches, Latitude: 40° 16' 05"; Longitude: 76° 58' 00").

12. To construct and maintain a 24-inch diameter by 30-foot long sanitary sewer line along a UNT to Sears Run (WWF) (Harrisburg West, PA Quadrangle N: 2.43 inches; W: 11.50 inches, Latitude: 40° 15' 48"; Longitude: 76° 57' 57").

All related activities are for the improvements of the Roth Lane Wastewater Treatment Plant expansion in Hampden Township, Cumberland County.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E17-431. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 3005 Section A01, Bridge Replacement Project over West Branch Susquehanna River, Bells Landing, Greenwood Township, **Clearfield County**, ACOE Susquehanna River Basin District, (Mahaffey, PA Quadrangle N: 5.0 inches; W: 4.0 inches).

To remove an existing 189-foot long single span truss bridge and appurtenant structures and to construct and maintain a 4-span continuous composite prestressed concrete I-beam bridge, 95'-0" from abutment No. 1 to Pier No. 1, 92'-0" from Pier No. 1 to Pier No. 2, 92'-0" from Pier No. 2 to Pier No. 3, 92'-0" from Pier No. 3 to Abutment No. 2 with concrete wing walls having a waterway opening of 46.34' from abutment No. 1 to Pier No. 1, 51.9' from Pier No. 1 to Pier No. 2, 51.9' from Pier No. 2 to Pier No. 3, 54.66' from Pier No. 3 to Abutment No. 2. The minimum underclearance will be 7'-5.5" at Abutment No. 2.

Rock, Class R-8 chocked with rock Class R-4, will be permanently placed around Piers No. 1—3. Rock, Class R-8 chocked with rock Class R-4, will be permanently placed along the front face of Abutment No. 1 and radius 5'-0" around wing walls 'A' and 'B.' Rock, Class R-8 chocked with rock Class R-4, will be permanently placed along the front face of Abutment No. 2 and radius 5'-0" around wing walls 'C' and 'D.'

This project proposes to have a minimal impact on West Branch Susquehanna River, which is designated a WWF. This project does propose to impact 0.16 acres of jurisdictional wetlands.

E53-417. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 4023, Segment 0120, Offset 1150 +/-, Channel maintenance and bank protection along Elevenmile Creek, Village of Chrystal, **Potter County**, ACOE Pittsburgh District, (Oswayo, PA-NY Quadrangle N: 15.5 inches; W: 3.6 inches).

To perform channel maintenance activities along the Elevenmile Run stream channel adjacent to SR 4030, at segment 0120, Offset 1150 located in Oswayo Township, Potter County. Improvements planned to help minimize the frequency of overtopping and roadway flooding include; channel cleaning approximately 210 LF of densely vegetated and restricted channel and placing riprap rock armor along the same 210 LF section.

E60-183. Union County Commissioners, 155 North 15th Street, Lewisburg, PA 17837. Red Bridge, in Hartley Township, **Union County**, ACOE Baltimore District (Hartleton, PA Quadrangle N: 0.5 inch; W: 4.25 inches).

To: 1) refurbish and maintain a 147-foot clear span timber burr-arch through truss covered bridge with an underclearance of 9-foot 4.25-inches over Penns Creek; 2) two temporary clean rock causeways that will have a 30-foot open water (0.1 acre foot print) in Penns Creek; 3) 0.011 acre of riprap and roadway approach waterway encroachment; 4) 0.008 acre of riprap on the north bank; 5) 0.004 acre of permanent wetland impacts for the south roadway approach; 6) 0.005 acre of temporary wetland impacts for the temporary causeways, located 100 feet on T-320 from its intersection with SR 3004. Penns Creek is classified as a WWF at this site.

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

E02-1559. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To

construct a retaining wall in Ohio Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle: N: 8.4 inches; W: 11.6 inches, Latitude: 40° 33' 6"; Longitude 80° 5' 0"). The applicant proposes to construct and maintain 390 feet of stream relocation; 328-feet long by 8-foot high precast concrete and steel pile retaining wall within to be constructed and maintained 450-foot length of riprap bank stabilization (both banks); and remove a 95-foot long 78-inch diameter CIP culvert and associated fill in Bear Run (TSF). The CIP and fill was installed to temporarily stabilize slope and bank failure that threatened SR 279 and Allegheny County's Lowries Run Road. This project is intended to permanently stabilize the slope failure and stream banks. The project is located approximately 8 miles northwest of Pittsburgh in Ohio Township.

E26-343. Department of Transportation, District 12, 825 N. Gallatin Avenue Extension, Uniontown, PA 15401. To construct a bridge in Point Marion Borough, **Fayette County** and Dunkard Township, **Greene County**, Pittsburgh ACOE District (Morgantown, PA Quadrangle: N: 20.75 inches; W: 4.0 inches, Latitude: 39° 44' 22"; Longitude: 79° 54' 12") and between Point Marion Borough, Fayette County to the east and Dunkard Township, Greene County to the west. The applicant proposes to remove the existing SR 88, two lane, approximately 40-foot wide, five-span, steel truss bridge having a total length of approximately 740 foot and having a 100-year flood event minimum clearance of 15.9 feet and to construct and maintain 68 feet upstream and to the south a four span which includes a 414 foot channel span, two lane and sidewalk, steel truss, 43.4 foot total width replacement bridge having a total length of 746.1 feet and having 100-year flood event minimum clearance of 15.9 feet over the Monongahela River (WWF). In addition, construct and maintain for construction of the replacement bridge a temporary causeway and pier; and construct and maintain associated replacement stormwater outfalls to the Monongahela River (WWF). The bridge improvement and relocation project is located approximately 1,400 feet upstream of the confluence with the Cheat River.

E56-344. Somerset County Commissioners, 300 North Center Avenue, Somerset, PA 15530. To place and maintain fill in 0.10 acre of wetland in Somerset Township, **Somerset County**, Pittsburgh ACOE District (Somerset, PA Quadrangle: N: 5.95 inches; W: 3.43 inches, Latitude: 40° 1' 58.4"; Longitude: 79° 1' 28.8"). The applicant proposes to place and maintain fill in 0.10 acre of wetland in the watershed of a UNT to Wells Creek (CWF) for the purpose of extending an airport runway. The project is located southwest of the main runway at the Somerset County Airport, south of SR 281, approximately 1.55 miles east of the intersection of US Route 219.

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

E10-429. Slippery Rock University, Facilities and Planning, Keister Road, Slippery Rock, PA 16057. Slippery Rock University Challenge Course. Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock Quadrangle, N: 41° 04' 04"; W: 80° 02' 33").

To restore and maintain 0.884 acre (total impact of 0.933 acre) of wetland previously filled for the construction of a walking trail 1,000 feet north of North Road and approximately 2,000 feet west of Redmond Road. The applicant will restore 0.884 acre of wetland onsite. The

remaining 0.049 acre of impacted wetland not restored onsite is proposed to be mitigated through a contribution to the wetland mitigation fund. This application is in response to a violation and is after the fact.

E43-341. Lake Latonka Property Owners Association, 420 Latonka Drive, Mercer, PA 16137. Dock 2, 3 and 10 Replacement in Jackson and Coolspring Townships, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle N: 41° 16' 49"; W: 80° 10' 55").

To: 1) remove and replace Dock 2 with a 100-foot long by 3.5-foot wide mainframe, having three slips on each side. Total square footage of the new dock will be 660 square feet. 2) remove and replace Dock 3 with a 120-foot long by 3.5-foot wide mainframe, having three slips on each side. Total square footage of the new dock will be 720 square feet. 3) remove and replace Dock 10. The existing mainframe along the shoreline will be used and

eight new slips measuring 20-feet long by 3-feet wide will be added to the structure. Total square footage of the new slips will be 720 square feet.

DAM SAFETY

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

D35-123. George and Loretta Spangenberg, 2 Sunrise Boulevard, Lake Ariel, PA 18436. To modify, operate and maintain Spangenberg Lake Dam across a tributary to Jones Creek (HQ-CWF), impacting approximately 30 linear feet of stream channel, for the purpose of rehabilitating the existing dam and spillway to ensure compliance with Commonwealth Regulations (Lake Ariel, PA Quadrangle N: 10.1 inches; W: 10.6 inches) in Jefferson Township, **Lackawanna County**.

ACTIONS

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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>
PA0062324	Pike County Environmental, Inc. P. O. Box 127 Matamoras, PA 18336	Westfall Township Pike County	Delaware River 1D	Y
PA0032140P	Department of Conservation and Natural Resources Bureau of State Parks R. R. 1, Box 230 Dalton, PA 18414-9785	Benton Township Lackawanna County	South Branch Tunkhannock Creek 4F	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>
PA0111848 IW	Safety Light Corp. 4150A Old Berwick Road Bloomsburg, PA 17815	S. Centre Township Columbia County	Susquehanna River 5D	Y
PA0114324 Sewerage	Herbert L. Morgan DeMorgan Acres R. R. 2, Box 2352 Canton, PA 17724-8609	Canton Township Bradford County	UNT Towanda Creek 4-C	Y
PA0114561 Sewerage	Herrick Township R. R. 3, Box 156 Wyalusing, PA 18853-9558	Herrick Township Bradford County	Cold Creek 4-D	Y
PA0228486 Sewerage	Allen J. Dormuth P. O. Box 52 North Bend, PA 17760-0052	Clinton County Chapman Township	UNT to West Branch Susquehanna River 9B	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>
PA0205524 Sewage	Amy C. Smeltzer 297 Ford City Road Freeport, PA 16229	Armstrong County South Buffalo Township	UNT of Hill Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0028428 Amendment No. 1	Brockway Area Sewer Authority 70 Industrial Park Drive Brockway, PA 15824	Brockway Borough Jefferson County	Little Toby Creek 17-A	Y
PA0221589	Cardinal American Corporation—Tel-O-Post Linesville Facility Spectrum Building Suite 219 6060 Rockside Woods Boulevard Independence, OH 44131	Linesville Borough Crawford County	Linesville Creek 20-A	Y
PA0006181	Phoenix Sintered Metals, Inc. P. O. Box 213 Brockway, PA 15824-1644	Brockway Borough Jefferson County	Little Toby Creek 17-A	Y
PA0238465	Johnsonburg Municipal Authority—Silver Creek WTP 520A Market Street Johnsonburg, PA 15845	Johnsonburg Borough Elk County	Silver Creek 17-A	Y

Northwest Region: Oil and Gas 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>
PA0222011 (Ind.)	Big Sandy Oil Company Project 5/Timberline Lease P. O. Box 269 Franklin, PA 16323	Venango County Cranberry Township	Allegheny River 16-E	Y

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

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

NPDES Permit No. PA0244210, Industrial Waste, **Crystal, Inc.—PMC**, 601 West Eighth Street, Lansdale, PA 19446. This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the discharge of stormwater to a UNT to the West Branch Neshaminy Creek in Watershed Neshaminy-2F.

NPDES Permit No. PA0052515, Industrial Waste, **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002-4476. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater from a public water supply well into the Wissahickon Creek in Watershed 3F.

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

NPDES Permit No. PA0248088, Sewage, **Franklin Township, Adams County**, 55 Scott School Road, Orrtanna, PA 17353. This proposed facility is located in Franklin Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Marsh Creek in Watershed 13-D.

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

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

WQM Permit No. 4806408, Sewerage, **SPG, Inc., Whispering Hollow South Mobile Home Park**, 139 Country Club Road, Northampton, PA 18067-9802. This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for modifications to the existing sewage treatment facilities at Whispering Hollow South Mobile Home Park.

WQM Permit No. 4806407, Sewerage, **SPG, Inc., Whispering Hollow North Mobile Home Park**, 139 Country Club Road, Northampton, PA 18067-9802. This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit, for modifications to the existing sewage treatment facilities at Whispering Hollow North Mobile Home Park.

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

WQM Permit No. 2206406, Sewage, **West Hanover Township Water and Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112-9728. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of Eight vermicomposting beds within a building; fresh harvest, intermediate and end product covered storage areas and an uncovered drying area. Capacity if 16 wet tons/week of sludge.

WQM Permit No. 2107401, Sewage, **Jose Medina, Cumberland Valley School District**, 6746 Carlisle Pike, Mechanicsburg, PA 17050-1796. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: a package treatment plant with a comminutor, equalization basin, aeration tank, clarifiers, dosing tank, two sand filters, post aeration, UV disinfection and aerated sludge holding tank at the Green Ridge Elementary School.

WQM Permit No. WQG02060701, Sewage, **New Morgan Borough**, 75 Grace Boulevard, Building D, Morgantown, PA 18543. This proposed facility is located in Robeson Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the Robeson Woods Pump Station.

WQM Permit No. 0107401, Sewage, **Hamilton Township**, 272 Mummerts Church Road, Abbottstown, PA 17301. This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a 0.0273 mgd suction lift pump station to serve 59 proposed homes Alwine Meadows.

WQM Permit No. 2191401, Amendment 07-1, Sewage, **Silver Spring Township Authority**, 31 West Main Street, P. O. Box 1001, New Kingston, PA 17072-1001. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the modification/operation of a sewerage facilities consisting of: pump station expansion to receive flows from the Silver Spring Commerce Park development and residential connections along East Willow Terrace. The suction line is increased to 4 inches, wear plates and impellers are replaced and sheaves are replaced to increase pump speed to 1,595 rpm.

WQM Permit No. 2892403, Amendment 06-1, Sewage, **Five Forks Brethern in Christ Church**, 9244 Five Forks Road, Waynesboro, PA 17268. This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the replacement of the existing 1,000-gallon dosing tank with an aerated 5,000-gallon flow equalization/dosing tank.

WQM Permit No. WQG01310701, Sewage, **Gina R. Kenepp**, 4981 Ice Pond Lane, Alexandria, PA 16611. This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow treatment system to replace a malfunctioning system and serve their single-family residence.

WQM Permit No. 0106404, Sewage, **Franklin Township**, 55 Scott School Road, Orrtanna, PA 17353. This proposed facility is located in Franklin, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: provision of public sewage service to Cashtown-McKnightstown area of Franklin Township consisting primarily of 8-inch gravity sewer line and new wastewater treatment facility.

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

WQM Permit No. 6303404-A1, **Ted Taylor Builders**, 608 East McMurray Road, Suite 101, McMurray, PA 15317. This existing facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Permit amendment issuance for installation of sewer lines and pump station upgrade.

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

WQM Permit No. 2507401, Sewerage, **McKean Township Sewer Authority**, 9231 Edinboro Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a pump station and conveyance system to serve the Georgetown Heights Subdivision.

WQM Permit No. WQG028308, Sewerage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a pump station, force main, and related appurtenances to serve the Daniel Drive, Darby and Lamor Roads area.

WQM Permit No. WQG018531, Sewerage, **Allegheny Valley School**, 1996 Ewings Mill Road, Coraopolis, PA 15108. This proposed facility is located in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility.

WQM Permit No. WQG018528, Sewage, **Thomas L. Roberts**, 41 Ball Hill Road, Greenville, PA 16125-4007. This proposed facility is located in Sugar Grove Township, **Mercer County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

WQM Permit No. 2507402, Sewage, **Laurie Mandel**, 268 Shades Beach Road, Erie, PA 16510. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906032	William Burland 1930 Old Bethlehem Road Quakertown, PA 18951	Bucks	Springfield Township	Cooks Creek EV
PAI011503102	Wilkinson Builders 1020 Broad Run Road Landenberg, PA 19350	Chester	Franklin Township	Big Elk Creek HQ
PAI011505012	Vincent Meadows Partners 2500 East High Street Suite 610 Pottstown, PA 19464	Chester	East Vincent Township	Stony Run Creek HQ-TSF
PAI011507002	Oxford Area School District 125 Bell Tower Lane Oxford, PA 19363	Chester	East Nottingham Township	Little Elk Creek HQ-TSF-MF
PAI011507009	John D. Reid 480 West Christine Road Nottingham, PA 19362	Chester	West Nottingham Township	Black Run EV

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI012306008	Storage World 2314 Herb Road Temple, PA 19560	Delaware	Edgmtont Township	Ridley Creek Watershed HQ-TSF
PAI015107001	Canus Corporation 133 Heather Road Suite 202 Bala Cynwyd, PA 19004	Philadelphia	City of Philadelphia	City of Philadelphia Municipal Storm Sewer

Northeast Region: Watershed 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>
PAI024506022	Pocono EcoIndustrial Park, LLC P. O. Box 1229 Blakeslee, PA 18610	Monroe	Coolbaugh Township	Red Run HQ-CWF
PAS10S084R(1)	Wisteria Commons Senior Housing, LP by Monarch at Wisteria, LLC 720 Limekiln Road New Cumberland, PA 17070 and Oaks Senior Community, LP Shepards in Monroe County, Inc. P. O. Box 302 Cresco, PA 18326	Monroe	Barrett Township	Cranberry Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017(2) Revision No. 16	Ian Salada PSU Central Campus—Curtin Road Transportation Center 113 P Physical Plant Building University Park, PA 16803	Centre	State College Borough	Thompson Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064206003	Dr. Steven Herrmann 41 Abbott Road Bradford, PA 16701 and J. A. Luciano & Sons Builders 1 Ichabod Lane Bradford, PA 16701	McKean	Bradford Township	Minard Run EV

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Southampton Township Bucks County	PAG2000906101	Terry A. Levitt 19 Spruce Drive Holland, PA 18966	Southampton/ Pennypack Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Makefield Township Bucks County	PAG2000905065	Cara Mia, LLC 371 Stoneybrook Road Newtown, PA 18940	Rock Run Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warwick Township Bucks County	PAG20009040911	Warwick Office Park, LLC 301 Oxford Valley Road, Suite 201A Yardley, PA 19067	UNT Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000906091	Storage Specialists, Inc. 111 North Jackson Street Suite 200 Glendale, CA 91206	UNT Delaware River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000906107	KLS Ryan, LP 405 Turtle Lane Langhorne, PA 18940	Newtown Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000906023	The JW McGrath Organization 405 Turtle Lane Langhorne, PA 19047	Mill Creek South WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG2000906073	Richard Johnson 18 North State Street Newtown, PA 18940	UNT Jericho Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000907025	Water Management Disposal Services of PA, Inc. 1121 Bordentown Road Morrisville, PA 19067	Van Sciver Lake	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000907001	SCI Management 1929 Allen Parkway Houston, TX 77019	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000906014	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Southampton Township Bucks County	PAG2000906055	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	Tributary Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Buckingham Township Bucks County	PAG2000907016	Winsome Blue Farm 1861 Swamp Road Furlong, PA 18925	UNT Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000907022	Casadonti Homes, Inc. 5 West Washington Avenue Newtown, PA 18940	Geedes Run and Hickory Creek CWF, TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Milford Township Bucks County	PAG2000907008	Carl Morgan 255 Yoder Road Harleysville, PA 19438	UNT Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001507004	United Mortgage Services, LLC 90 Country Road Tenafly, NJ 07670	West Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001507009	Evangelical Lutheran Church of St. Michael P. O. Box 178 Unionville, PA 19375	Pocopson Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newlin Township Chester County	PAG2001506068	Steven Siepser and Suzannah Small 812 Apple Hill Road West Chester, PA 19380-3507	Bucks Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Oxford Township Chester County	PAG2001507018	Richard M. Retty 39 Albe Drive Newark, DE 19702	UNT Octoraro Creek I TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Nottingham Township Chester County	PAG2001506081	Herr Foods, Inc. P. O. Box 300 Nottingham, PA 19362-0300	Northeast Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002305017	Honis Properties P. O. Box 607 Concordville, PA 19331	West Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002306057	Longwood Land Development, LLC 3 Mill Road Suite 200 Wilmington, DE 19806	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAG2002306053	Bentley Communities, LP 1595 Paoli Pike Suite 202 West Chester, PA 19380	Jilip Run/Darby Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002306022	Brandolini Company 1301 Lancaster Avenue Berwyn, PA 19312	West Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAR10J149	National Realty Company 1604 Walnut Street Philadelphia, PA 19103	Crum Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG20046060691	Chelsea Property Group 105 Eisenhower Parkway Roseland, NJ 07068	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Frederick Township Montgomery County	PAG2004606168	James Erb and Amy E. Smith 38 Kendall Lane Royersford, PA 19468	Scioto Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004606151	Caracor, LLC 5925 Tilghman Street Suite 600 Allentown, PA 18104	UNT Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004606190	Rite Aid Corporation 875 Kings Highway Suite 201 Woodbury, NJ 08096	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004606070	Kemp and Associates 610 West Germantown Pike Suite 321 Plymouth Meeting, PA 19642	West Branch Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004606123	Betcher Road Properties, LLC 2526 North Broad Street Colmar, PA 18915	School House Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004606138	Limerick PF, LTD 401 South Schuylkill Avenue Norristown, PA 19403	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004605182	James Connelly 350 North Pottstown Pike Exton, PA 19341	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004606192	Sprango Worcester Associates, LP 506 Bethlehem Pike Fort Washington, PA 19034	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004607006	Wal-Mart Stores, Inc. 2001 S. East 10th Street Department 9 Bentonville, AR 72716	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004606182	James N. Faust 2557 Swamp Pike Pottstown, PA 19646	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605150	Heritage Building Group 2500 York Road Jamison, PA 18929	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004606181	Woodland Elementary School 1001 Driebel Mill Road Norristown, PA 19401	Mine Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004606207	Harry P. and Seda L. Mirabile 569 East Main Street Norristown, PA 19401	UNT Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Conshohocken Borough Montgomery County	PAG2004606097	Philomeno and Salamone 545 West Germantown Pike Plymouth Meeting, PA 19462	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Whitemarsh Township Montgomery County	PAG2004606176	Edward and Teresa Deleo P. O. Box 617 3028 Church Road LaFayette Hill, PA 19444	UNT Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107009	Westrum Development Company 370 Commerce Drive Suite 100 Fort Washington, PA 19034	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107001	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	Darby-Cobb Creeks WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107003	Norwood-Fontbonne Academy 8891 Germantown Avenue Philadelphia, PA 19118	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107004	Norwood-Fontbonne Academy 8891 Germantown Avenue Philadelphia, PA 19118	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kingstown Township Luzerne County	PAG2004007003	David Martin Cross Creek Comm. Church 340 Carverton Road Trucksville, PA 18708	Tributary to Toby Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Washington and Heidelberg Townships Lehigh County	PAG2003906034	Joseph Kolarik Kolarik & Rocco Associates 2288 Meadow Lane Emmaus, PA 18049	Mill Creek CWF, MF	Lehigh Co. Cons. Dist. (610) 391-9583
Palmer Township Northampton County	PAG2004807003	Joseph Rizzolino P. O. Box 3177 Easton, PA 18043	Schoeneck Creek WWF	Northampton County Cons. Dist. (610) 746-1971
Pine Grove and Washington Townships Schuylkill County	PAG2005406033	Schuylkill County Commissioners Schuylkill County Courthouse 401 N. 2nd Street Pottsville, PA 17901	Sweet Arrow Lake CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Todd Township Fulton County	PAG2002907002	OK Property Holdings and Rick Zittle 421 Lincoln Way East Suite B McConnellsburg, PA 17233	Big Cove Creek CWF/Residential	Steve Thomas 216 N. Second Street Suite 15 McConnellsburg, PA 17233 (717) 485-3547, Ext. 109
Borough of Chambersburg Guilford Township Franklin County	PAG2002807006	Sears Holdings 3333 Beverly Road A3.301 B Hoffman Estates, IL 60179	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Hereford Township Berks County	PAG2000606095	Upper Perkiomen School District John Sheeran 203 West 5th Street East Greenville, PA 18041	Perkiomen Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumru Township Berks County	PAG2000607006	Governor Mifflin Joint School Authority Mark Naylor 10 South Waverly Street Reading, PA 19607	Angelica Creek CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Berks County	PAG2000606063	Township of Spring Leon Mazurie 2800 Shillington Road Reading, PA 19608	UNT to Cacoosing Creek WWF Little Muddy Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Exeter Township Berks County	PAG2000607002	SFS Intec, Inc. Eric Murray P. O. Box 6326 Wyomissing, PA 19610	Antietam Creek CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Upper Bern Township Berks County	PAG2000606016	Robert Ciccone R. G. Ciccone 6866 Christphalt Drive Bath, PA 18014	UNT to Mill Creek TSF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bradford County Athens Township South Waverly Borough	PAG2000807002	Jonathan Brice Eastern Communities Limited Partnership, Inc. 7300 Derry Street Harrisburg, PA 17111	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Centre County Benner Township	PAG2001405013	Carl Bankert Fisherman's Paradise, LLC Eagle Point, Phase I 2121 Old Gatesburg Road Suite 200 State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Ferguson Township	PAG2001407004	David Roeshop/ Roeshot Construction Goddard School 2040 Sandy Drive State College, PA 16803	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Briar Creek Borough	PAG2001907003	Stephen White DT Keystone Distribution, R.L.L.L.P. 1000 Commerce Place Berwick, PA 18603	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Lycoming County Hepburn Township	PAG2004106019	Church of Jesus Christ of Latter Day Saints NYNY Project Management Office P. O. Box 318 Ramsey, NJ 07446	Lycoming Creek WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003

NOTICES

2023

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tioga County Wellsboro Borough	PAG2005907006	Mike Pietropola 134 Meade Street Wellsboro, PA 16901	Morris Branch CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Union County Gregg Township	PAG2006006017	Stephen Hall 155 North 15 Street Lewisburg, PA 17837	WB Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Cambria County Richland Township	PAG2001107004	Randy Yost McGregor Homes 1931 Frankstown Road Johnstown, PA 15902	UNT Stonycreek River CWF	Cambria County CD (814) 472-2120
Fayette County City of Uniontown	PAG2002607009	Paul Kania Taylor Place Properties, LLC 71 N. Mt. Vernon Avenue Uniontown, PA 15401	Coal Lick Run WWF	Fayette County CD (724) 438-4497
Fayette County Georges Township	PAG2002607010	Atlas America, LLC 311 Rouser Road Moon Township, PA 15108	Georges Creek WWF	Fayette County CD (724) 438-4497
Indiana County Burrell Township	PAG2003206015	Jeffrey Ferris KH Controls Inc. 420 N. Liberty Street Blairsville, PA 15717	Tributary to Black Lick Creek CWF	Indiana County CD (724) 463-8547
Washington County Peters Township	PAG2006307001	Venetia Road Associates, LP P. O. Box 190 Gastonsville, PA 15336	Peters Creek WWF	Washington County CD (724) 228-6774
Washington County Chartiers Township	PAG2006307013 (Renewal of old permit No. PAR10W204)	Chartiers Township 2 Buccaneer Drive Houston, PA 15342	UNT to Chartiers Creek WWF	Washington County CD (724) 228-6774
Washington County Centerville Borough	PAG2006307016	Hoffman Enterprises Wellington Square Suite 104 Greensburg, PA 15601	UNT to Pike Run TSF	Washington County CD (724) 228-6774
Washington County North Strabane Township	PAG2006307021	Meadowlake Associates, LP 2100 Corporate Drive Suite 250 Wexford, PA 15090	Chartiers Creek WWF	Washington County CD (724) 228-6774
Jefferson County Pinecreek Township	PAG2003307001	Jefferson County Enterprise Park Access Road Jefferson County Commissioners Jefferson Place 155 Main Street 2nd Floor Brookville, PA 15825	UNT to Mill Creek CWF	Jefferson Conservation District (814) 849-7463

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Reading City	PAR803621	Norfolk Southern Railway Company— Spring Street Yard 110 Franklin Road, SE Box 13 Roanoke, VA 24042-0013	Schuykill River CWF 3-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Ontelaunee Township	PAR233525	Brenntag Northwest, Inc. Snyder Road Facility P. O. Box 13788 Reading, PA 19612-3788	Willow Creek CWF 3-B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR203596	Fabral, Inc. 3449 Hempland Road Lancaster, PA 17604-4608	West Branch Little Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lawrence Township Clearfield County	PAR304803	Swisher Contracting, Inc. P. O. Box 1223 Clearfield, PA 16830	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
North Huntingdon Township Westmoreland County	PAR806179	Con-way Freight 110 Parkland Plaza Ann Arbor, MI 48103	Turtle Creek to Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Forward Township Allegheny County	PAR406104	Kelly Run Sanitation, Inc. 625 Cherrington Parkway Moon Township, PA 15108	Fallen Timber Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Verona Borough Allegheny Township	PAR126108	Lamagna Cheese Company, Inc. 1 Lamagna Drive P. O. Box 303 Verona, PA 15147-0303	Plum Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Sugar Grove Township Mercer County	PAG049324	Thomas L. Roberts 41 Ball Hill Road Greenville, PA 16125-4007	UNT to Crooked Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Center Township Butler County	PAG048504	Diane M. Spiece 105 Lions Road Butler, PA 16001	Crooked Run 20C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cussewago Township Crawford County	PAG048812	Ralph E. and Janet M. Payne 16440 Hecker Road Edinboro, PA 16412	UNT to Cussewago Creek 16D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048503	David W. and Shirley A. McGranahan 504 Orangeville Road Greenville, PA 16125-2910	UNT to Big Run 20A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Snyder Township Jefferson County	PAG048827	Frank A. Varischetti R. R. 1, Box 94 Brockway, PA 15824	McEwen Run 17C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Deer Creek Township Mercer County	PAG048437	Robert P. Ziegler 1163 Milledgeville Road Cochran, PA 16314	UNT to Sandy Creek 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Ridgway Township Elk County	PAG048496	Jane H. and Wayne E. Bryndel 154 Abbey Road Ridgway, PA 15853	UNT to Clarion River 17A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Liberty Township Mercer County	PAG049326	Allegheny Valley School 1996 Ewings Mill Road Corapolis, PA 15108	UNT to Wolf Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Greenville Borough Mercer County	PAG058375	Brownies Service Station Reed Oil Company 511 Montgomery Avenue New Castle, PA 16102	Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)**Facility Location &
County/Municipality*

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
City of Pittsburgh Allegheny County	PAG086101	Allegheny County Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233-1092	ALCOSAN	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-10

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>
Statewide: Discharge points to be provided to appropriate DEP Regions and the Fish and Boat Commission at least 15 days before any discharge.	New Permit PAG109618	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310 Bill Vanederlyn Env't'l Mgr. Kate Mayride Env't'l Scientist Planner, CH2MHILL, Philadelphia	Statewide Use— Water use information to be provided to DEP and the Fish and Boat Commission at least 15 days before any discharge.	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams County Butler Township	PAG123622	Tim Heckenluber Heckenluber Poultry Farm 413 Heckenluber Road Biglerville, PA 17307	7F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Franklin County Metal Township	PAG123577	Randy Wimmer Tuscarora Farms 13938 Creek Road Willow Hill, PA 17271	13-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 5006501, Public Water Supply.

Applicant	Department of General Services
Municipality	Tyrone Township
County	Perry
Type of Facility	This PWS application is for the addition of a microfiltration unit to the existing treatment system.
Consulting Engineer	Yves E. Pollart, P. E. RETTEW Associates, Inc. 3020 Columbia Avenue Lancaster, PA 17603
Permit to Construct Issued:	4/17/2007

Permit No. 0607502 MA, Minor Amendment, Public Water Supply.

Applicant	Reading Area Water Authority
Municipality	Ontelaunee Township
County	Berks
Type of Facility	Minor repairs and upgrades to screen house and temporary raw water piping to conduct repairs to screen house.

Consulting Engineer Max C. Kurbjun Jr., P. E.
BCM Engineers
920 Germantown Pike
Plymouth Meeting, PA 19462

Permit to Construct 4/9/2007
Issued:

Permit No. 3607506 MA, Minor Amendment, Public Water Supply.

Applicant **Manheim Borough Authority**
Municipality Manheim Borough
County **Lancaster**
Type of Facility Repaint 2 MG big tank
Consulting Engineer Kirt L. Ervin
United States Engineering, LLC
4 Sunrise Court
Highland, IL 62249

Permit to Construct 4/11/2007
Issued:

Permit No. 3607507 MA, Minor Amendment, Public Water Supply.

Applicant **Manheim Borough Authority**
Municipality Manheim Borough
County **Lancaster**
Type of Facility Repaint 1MG small tank
Consulting Engineer Kirt L. Ervin
United States Engineering, LLC
4 Sunrise Court
Highland, IL 62249

Permit to Construct 4/11/2007
Issued:

Operations Permit issued to Miller Mobile Home Park, 3060068, Ontelaunee Township, Berks County on 4/6/2007 for the operation of facilities approved under Construction Permit No. 0607509 E.

Operations Permit issued to Diakon Lutheran Social Ministries, 3060094, Longswamp Township, Berks County on 4/11/2007 for the operation of facilities approved under Construction Permit No. 3060094.

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

Permit No. M. A.—1871501—Operation Public Water Supply.

Applicant **Tylersville Mutual Water Association**
Township or Borough Logan Township
County **Clinton**
Responsible Official Tylersville Mutual Water Association
c/o Richard T. Miller, Operator
Box 44
Tylersville, PA 17783-0044
Type of Facility Public Water Supply—Operation
Consulting Engineer N/A
Permit Issued Date April 17, 2007
Description of Action Operation of the infiltration gallery for Tylersville Mutual Water Association.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location: Moss Tract

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Williams Township	655 Cider Press Road Easton, PA 18042	Northampton

Plan Description: The approved plan provides for two retail areas, a restaurant and a motel. The sanitary laterals from the proposed buildings will be connected to a private pumping station that will pump the proposed 11,800 gpd of sewage flows through a 4" force main to the existing Township collection system at manhole no. 10. The City of Easton will provide wastewater treatment facilities to the project. Easton Suburban Water Authority will supply public water to the project. The proposed development is located on Cedarville Road, Williams Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of Cedarville Center Condominium Association.

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

Public Notice of Proposed Consent Decree

**Chem-Fab Site
300 North Broad Street
Doylestown Borough
Bucks County, PA**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), (35 P. S. § 6020.1113), has entered into a Consent Decree with 300 North Broad Street, Ltd. (300 NBS), for reimbursement of certain response costs incurred to investigate and remediate hazardous substances released and threatened to be released at the Chem-Fab Site in Doylestown Borough, Bucks County, PA (the site).

Between 1965 and 1995, Chem-Fab, Inc., an electroplating business operated the site and caused the release of hazardous substances on the site. The site is the source of groundwater contamination in certain areas of Doylestown Borough and Doylestown Township. The Department performed an environmental assessment and characterization of the site and its study revealed hexavalent chromium and other hazardous substances in groundwater beneath the site and on adjacent properties. The Department has incurred \$1,337,071.19 in response costs related to investigation of the site and anticipates conducting future response actions to remediate hazardous substances released at the site.

As the owner of the site, 300 NBS is a responsible party under section 701 of HSCA, (35 P. S. § 6018.701). Consequently, the Department has a claim against this limited partnership for response costs incurred at the site. On July 21, 2005, 300 NBS agreed to reimburse the Department in the amount of \$251,518.52 for certain past and future response costs incurred at the site. This agreement was made on the record before the Commonwealth Court and memorialized in an Order dated July 21, 2005, in the matter captioned and docketed as

Commonwealth of Pennsylvania, Department of Environmental Protection v. 300 North Broad Street, Ltd., No. 334 M.D.1999. 300 NBS failed to comply with the July 21, 2005 Order.

It is in the public interest for the Department to resolve its claim against 300 NBS. The Department and 300 NBS have negotiated in good faith and 300 NBS has agreed to pay off the liability required in the Commonwealth Court's July 21, 2005 Order. Thus, the parties have entered into a Consent Decree to resolve the Department's outstanding claims.

This notice is provided under section 1113 of HSCA, (35 P. S. § 6020.1113), which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Consent Decree, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either April Flipse, at (484) 250-5721 or Gina M. Thomas, Esquire at (484) 250-5930. April Flipse and Gina Thomas may also be contacted electronically at aflipse@state.pa.us and githomas@state.pa.us, respectively. A public comment period on the Consent Decree will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to April Flipse at the above address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Rodriguez Res, Upper Merion Township, **Montgomery County**. Richard D. Trimpi, Trimpi Assoc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Leonora Rodriguez, 546 N. Henderson Road, King of Prussia, PA 19406 has submitted a 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.

Ten Tower Bridge, Conshohocken Borough, **Montgomery County**. Gerald Kirkpatrick, Env. Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, AP 19482 on behalf of Josh Rubinich, O'Neill Properties Group, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Cleanup-Plan and Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standards and Site Specific Standards.

PECO Wyncote MGP, Cheltenham Township, **Montgomery County**. Matthias Ohr, URS, 335 Commerce Drive, Suite 300, Fort Washington, PA 19134, Benjamin E. Henry, URS, 335 Commerce Drive, Suite 300, Fort Washington, PA 19134 on behalf of Michael Heffron, PECO Energy Co., 2301 Market Street, S9-1, Philadelphia, PA 29103 has submitted a Cleanup Plan concerning remediation of site soil contaminated with PAH's and other organics. The report is intended to document remediation of the site to meet the Site Specific Standards.

Agway Inc., Penn Township, **Chester County**. Larry Roach, Groundwater Science Corp., 2601 Marlet Place Street, Suite 310, Harrisburg, PA 7110 on behalf of John Steiner, Agway Liquidating Trust, 5790 Widewaters Parkway, Dewitt, NY 13214 has submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with pesticide. The report is intended to document remediation of the site to meet the Site Specific Standards and Statewide Health Standards.

315 West First Avenue Property, Parkesbury Borough, **Chester County**. Christopher Ward, RT Env. Svc., Inc., 510 Hernon Drive, Suite 306, Bridgeport, NJ 08014 on behalf of Senya Isayeff, Keystone Community Alliance, 550 East Union Street, The Goodwill Business Park, West Chester, PA 19382 has submitted a Final Report concerning remediation of site soil contaminated with other organic. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Rosenblum/Hetch Prop., Lower Merion Township, **Montgomery County**. David Farrington, Brickhouse Env., 515 S. Franklin Street, West Chester PA 19382 on behalf of Mandy Rosenblum and Elizabeth Hecht, 210 Ladbroke Road, Bryn Mawr, PA 19010 has submitted a

Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

Former Durkee Foods (1001 Eighth Avenue), City of Bethlehem, **Lehigh County.** Peter Berkhout, Senior Environmental Engineer, Environmental Waste Management Associates, LLC, 100 Misty Lane, Parsippany, NJ 07054 submitted a Final Report (on behalf of his client, Tiger Den Partners, 171 Route 173, Suite 201, Asbury, NJ 08802) concerning the remediation of soils on the eastern half of the property found to have elevated semivolatiles and inorganics due to the placement of railroad ballast, construction debris and coal ash on the property, potential releases from onsite No. 6 and diesel USTS and historical operations. The report was submitted to document attainment of a combined Statewide Health Soil Standard and Site Specific Standard. A summary of the final report was published in *The Morning Call* on March 29, 2007. The future use of the eastern half of the property will be nonresidential.

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

Cross Keys Church of God, Lack Township, Juniata County. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Cross Keys Church of God, R. R. 1, Box 90, East Waterford, PA 17021-9706 and Shaner Energy, Inc., 10787 Station Road, Huntingdon, PA 16652, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard. The report was submitted within 90 days of the release date. The property is and will remain a church.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report

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

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

The Department has received the following plans and reports:

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

Concordville Nissan, Concord Township, Delaware County. Gilbert Marshall, Marshall Geoscience Inc., 170 E. First Avenue, Collegeville, PA 19426 on behalf of Peter Lustgarten, Concordville Nissan, 452 Wilmington-West Chester Pike, Concordville, PA 19331 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline and no. 2 fuel and diesel fuel. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on February 28, 2007.

Ukstins Residence, Richlandtown Borough, Bucks County. Daniel Caprio, Patriot Env. Management, LLC, P. O. Box 629, Douglassville, PA 19518 on behalf of Mark Ebbert, Rapid Response, Inc., 14 Brick Kiln Court, Northampton, PA 18067 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on April 3, 2007.

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

Former ENCO Realty Facility, City of Reading, Berks County. Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of QMM Properties, LLC, P. O. Box 350, Shillington, PA 19607-0350, submitted a Final Report concerning the remediation of site groundwater contaminated with VOCs, SVOCs and RCRA metals. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on April 4, 2007. This notice corrects the standard attained, which was incorrectly published in a previous issue of the *Pennsylvania Bulletin*.

Fort Indiantown Gap Army National Guard Training Center Area 11-17, East Hanover Township, **Lebanon County**. Converse Consultants, 2783 West College Avenue, State College, PA 16801, on behalf of Pennsylvania Department of Military and Veteran Affairs, Environmental Section, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil from an underground storage tank. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on April 13, 2007.

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

Arrow Trucking Co., I80 MM 178 WB Accident, Greene Township, **Clinton County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arrow Trucking Co., 4230 South Elwood Avenue, Tulsa, OK 74107 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on April 10, 2007.

Travel Centers of America-Bloomsburg, Hemlock Township, **Columbia County**, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355 on behalf of Travel Centers of America, 24601 Center Ridge Road No. 200, Westlake, OH 44145-5634 has submitted a Final Report concerning remediation of site groundwater contaminated with 1,1 dichloroethylene and 1,2-dichloroethane. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 13, 2007.

Department of Public Welfare and Department of Health Building, Danville Borough, **Montour County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Girard Estate, Stephen Girard Building, 21 South 12th Street, 5th Floor, Philadelphia, PA 19107-3684 has submitted a Final Report concerning remediation of site groundwater contaminated with VOCs associated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 16, 2007.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. WMGR096, Department of Transportation, District 10-0, 2550 Oakland Avenue, Indiana, PA 15701. Beneficial use of regulated fill as construction fill for the US Route 22 improvement project in East and West Wheatfield Townships, **Indiana County**. Determination of applicability for residual waste general permit WMGR096 issued in the Regional Office on April 10, 2007.

AIR QUALITY

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.

46-0027B: Johnson and Johnson Pharmaceutical—Research and Development, LLC (Welsh and McKean Road, Spring House, PA 19477) on April 10, 2007, to operate three new 350-hp boiler in Lower Gwynedd Township, **Montgomery County**.

46-0256: Horgan Recycling, Inc. (2188 Detwiler Road, Harleysville, PA 19348) on April 11, 2007, to operate an asphalt and soil stockpiling in Upper Gwynedd Township, **Montgomery County**.

09-0193: Basic Chemical Solutions, LLC (5 Steel Road E., Morrisville, PA 19067) on April 13, 2007, to operate an acid storage tank/control device 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.

05-05022C: Bedford Reinforced Plastics, Inc. (264 Reynoldsville Road, Bedford, PA 15522-7401) on April 5, 2007, to install three new fiberglass reinforced plastic pultrusion production lines at their facility in East Saint Clair Township, **Bedford County**.

06-03078B: Brush Wellman, Inc. (P. O. Box 973, Reading, PA 19603) on April 12, 2007, to construct a beryllium alloy metal strip cleaning line to be controlled by four scrubbers at their Shoemakersville Plant in Perry Township, **Berks County**.

36-03170: DentaleZ Group (1816 Colonial Village Lane, Lancaster, PA 17601) on April 12, 2007, to install a liquid vapor degreaser with control at their site in East Lampeter Township, **Lancaster 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.

09-0177: North Penn Polishing and Plating, Inc. (40 West Park Avenue, Sellersville, PA 18960) on April 16, 2007, to operate an ultra kool degreaser in Sellersville Borough, **Bucks County**.

15-0114: Action Manufacturing Co. (500 Bailey Crossroads Road, Atglen, PA 19310) on April 16, 2007, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

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

01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on February 23, 2007, to construct a natural gas

fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

67-05047A: Republic Service, Inc. (4400 Mt. Pisgah Road, York, PA 17402) on April 1, 2007, to install a second enclosed flare in Windsor and Lower Windsor Townships, **York County**. This plan approval was extended.

09-0180: White Engineering Surfaces Corp. (One Pheasant Run, Newtown, PA 18940) on March 29, 2007, to operate a batch degreaser in Newtown Township, **Bucks County**.

09-0180A: White Engineering Surfaces Corp. (One Pheasant Run, Newtown, PA 18940) on March 29, 2007, to operate a dust collector in Newtown Township, **Bucks County**.

15-0078D: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on March 29, 2007, to operate an electric generator in East Whiteland Township, **Chester County**.

09-0156: Jolly Gardener Products, Inc. (500 East Pumping Station Road, Quakertown, PA 18951) on March 29, 2007, to operate two diesel engines and wood processing in Richland Township, **Bucks County**.

09-0156A: Jolly Gardener Products, Inc. (500 East Pumping Station Road, Quakertown, PA 18951) on March 29, 2007, to operate three diesel fired engines in Richland Township, **Bucks County**.

23-0059: Lyondell Chemical Co. (3801 West Chester Pike, Newtown Square, PA 19073) on March 29, 2007, to operate a pilot unit in Newtown Township, **Delaware County**.

23-0001Z: Sunoco, Inc.—R and M (P. O. Box 426, Marcus Hook, PA 19061-0426) on March 28, 2007, to operate four auxiliary boilers in Marcus Hook Borough, **Delaware County**.

23-0014F: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) on March 26, 2007, to operate a ventilation system in City Of Chester, **Delaware County**.

09-0122A: Arkema, Inc. (2000 Market Street, Philadelphia, PA 19103) on March 28, 2007, to operate a (B66) thermal oxidizer in Bristol Township, **Bucks County**.

09-0127A: Bracalente Manufacturing Co., Inc. (20 West Creamery Road, Trumbauersville, PA 18970) on March 27, 2007, to operate eight Degreasers in Trumbauersville Borough, **Bucks County**.

09-0007B: Waste Management Disposal Services of PA, Inc. (1121 Bordentown Road, Morrisville, PA 19067) on March 30, 2007, to operate a flare to back-up control device in Falls Township, **Bucks County**.

09-0024E: Waste Management Disposal Services of PA, Inc. (1121 Bordentown Road, Morrisville, PA 19067) on March 30, 2007, to operate a flare to back-up control device in Tullytown Borough, **Bucks County**.

09-0134C: Reed Minerals (P. O. Box 8888, Camp Hill, PA 17001) on March 26, 2007, to operate a replacement dust collector in Falls Township, **Bucks County**.

23-0089: FPL Energy Marcus Hook, LP (P. O. Box 426 Delaware Avenue and Green Street, Marcus Hook, PA 19061) on March 30, 2007, to operate a 750 megawatt (MW) combined cycle in Marcus Hook Borough, **Delaware County**.

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

01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on February 23, 2007, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

67-05047a: Republic Service, Inc. (4400 Mt. Pisgah Road, York, PA 17402) on April 1, 2007, to install a second enclosed flare in lower Windsor Township, **York 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.

46-00012: Philadelphia Newspapers, Inc. (800 River Road, Conshohocken, PA 19428-2632) on April 12, 2007, for renewal of their Title V Operating Permit in Upper Merion Township, **Montgomery County**. The initial permit was issued on 11-7-2001. The facility prints and distributes daily and weekly news publications. As a result of potential emissions of VOCs and NOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal 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.

46-00081: Markel Corp. (435 School Lane, Plymouth Meeting, PA 19462) on April 12, 2007, for renewal of the Title V Operating Permit in Plymouth Township, **Montgomery County**. The initial permit was issued on 10-25-2001. The facility is a primary producer of fluoropolymer tubing and coated wire, plastic tubing, coated fiberglass sleeving and specialty tubing products that emits VOCs. The major emissions are VOCs and the facility is subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

65-00354: Sunoco Partners Marketing & Terminals, LP (1801 Market Street, 26/10 PC, Philadelphia, PA 19103) on April 10, 2007, to operate their Delmont Terminal in Salem Township, **Westmoreland County**. This is a Title V Operating Permit Renewal.

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

24-00127: National Fuel Gas Supply Corp.—Lamont Station (5422 Highland Road, Kane, PA 16735) on April 12, 2007, the Department reissued Title V Operating Permit in Jones Township, **Elk County**. This notice is to announce the reissuance of the Title V Operating Permit for this natural gas transmission station. The facility is a major facility due to its potential to emit NOx.

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.

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

29-03007: Mellott Wood Preserving Co., Inc. (1398 Sawmill Road, P. O. Box 209, Needmoore, PA 17238-0209) on April 11, 2007, for their wood-fired boilers at their facility in Belfast Township, **Fulton County**. This is a renewal of the State-only operating permit.

44-05016: Lewistown Cabinet Center, Inc. (P. O. Box 507, Reedsville, PA 17084) on April 12, 2007, to operate their cabinet finishing system in Armagh Township, **Mifflin County**.

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

11-00252: C & C Smith Lumber Co., Inc. (197 Tower Road, Summerhill, PA 15958) on April 10, 2007, to operate three wood fired boilers that burn sawdust and produce steam to dry the lumber. The lumber is predominantly used in the furniture manufacturing industry. The facility also recycles the sawdust from the lumber mill to produce pellets for the wood stove industry at their facility in Croyle Township, **Cambria County**.

04-00570: Midland Slag Processor (303A Smith Ferry Road, Midland, PA 15059) on April 12, 2007, to operate a slag processing facility in Hopewell Township, **Beaver 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.

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

11-00332: Northern Star Generation, LLC (243 Rubisch Road, Ebensburg, PA 15931) on April 9, 2007, to correct certain typographical errors in the TVO, specifically change the names of the Responsible Official and the Permit Contact, and remove source 034, as it is no longer in operation at their Cambria CoGen facility located in Cambria Township, **Cambria County**. This is an Administrative Amendment to the Title V Operating Permit.

03-00076: Peoples Natural Gas Co.—Girty Compressor Station (1201 Pitt Street, Pittsburgh, PA 15221-2029) on April 10, 2007, to modify their Title V operating permit to account for the construction of two dehydration systems. Each unit will consist of a desiccant-pellet dehydrator which will have no associated emissions, a 35 kW electric generator and two chillers with a total heat input rating of 0.949 mmBtu/hr at their facility located in South Bend Township, **Armstrong County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining

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

Coal Permits Actions

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

Permit Number: 11841603 and NPDES Permit No. PA0235377, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Portage Plant in Portage Township, **Cambria County** and related NPDES permit. No additional discharges. Application received December 7, 2006. Permit issued April 6, 2007.

Permit Number: 32841307 and NPDES Permit No. PA0092193, Tanoma Coal Company, Inc., (One Energy Place, Latrobe, PA 15650), to renew the permit for the Tanoma Mine in Rayne Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received June 29, 2006. Permit issued: April 6, 2007.

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

05060101 and NPDES No. PA0262226. Ferlitch Construction Company, Inc., 1655 Juniata Lane, Box 205, Altoona, PA 16602, commencement, operation and restoration of a bituminous surface mine in Broadtop Township, **Bedford County**, affecting 95.0 acres. Receiving stream: Six Mile Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2006. Permit issued: April 9, 2007.

11970103 and NPDES No. PA0234460. T. J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 35.5 acres. Receiving stream: Burgoon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 26, 2007. Permit issued: April 12, 2007.

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 to allow the beneficial use of coal ash to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 667.4 acres. Receiving streams: UNTs to Allegheny River. Revision received: November 6, 2006. Revision permit issued: April 6, 2007.

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

41940101 and NPDES No. PA0219843. Fisher Mining Company (40 Choate Circle, Montoursville, PA 17754), permit renewal for the continued operation and restoration of a bituminous surface mine in Pine and McHenry Townships, **Lycoming County**, affecting 640.0 acres. Receiving streams: Buckeye Run, Otter Run to Little Pine creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 6, 2006. Permit issued: April 5, 2007.

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

54940203T and R2. Wilbur White Coal Company, (44 South Maple Avenue, Pottsville, PA 17901), transfer and renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 23.0 acres, receiving stream: none. Transfer Application received March 27, 2006 and Renewal Application received February 28, 2007. Transfer and Renewal issued: April 10, 2007.

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

24030102 and NPDES Permit No. PA0242322. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650) Transfer of an existing bituminous strip operation from Energy Resources, Inc. in Fox Township, **Elk County** affecting 83.2 acres. Receiving streams: UNT No. 1 to Mill Run. Application received: December 22, 2006. Permit Issued: April 9, 2007.

33050106 and NPDES Permit No. PA0258032. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Transfer of an existing bituminous strip and auger operation in Knox and Oliver Townships, **Jefferson County** affecting 75.3 acres. Receiving streams: UNT to Sandy Creek. Application received: January 11, 2007. Permit Issued: April 5, 2007.

16010103 and NPDES Permit No. PA0242021. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701) Renewal of an existing bituminous strip and tipple refuse disposal operation in Perry Township, **Clarion County** affecting 136.5 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to the Allegheny River and UNTs to the Clarion River. Application Received: February 21, 2007. Permit Issued: April 11, 2007.

16-06-08. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) Proposal to enter into a Government Financed Reclamation Construction Contract on a 13.4 acre site in Clarion Township, **Clarion County**. The proposal includes remining 7.6 acres of coal incidental to the project as well as eliminate 900 feet of hazardous abandoned highwall with associated spoil piles. Receiving streams: UNT to Little Piney Creek; UNT to Little Mill Creek; UNT to Douglass Run. Application received: June 19, 2006. Contract Issued: April 12, 2007.

37060104. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77024) Commencement, operation and restoration of a bituminous strip operation in Shenango Township, **Lawrence County** affecting 48.7 acres. Receiving streams: UNT to McKee Run. Application received: September 1, 2006. Permit Issued: April 12, 2007.

Noncoal Permits Actions

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

Permit Number 28960301 and NPDES No. PA0223735. New Enterprise Stone & Lime Company,

Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Fannett Township, **Franklin County**. Receiving streams: UNT to Dry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 21, 2007. Permit issued: April 11, 2007.

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

25072802. Edinger Trucking & Snow Removal (1151 Wattsburg Road, Route 8, Wattsburg, PA 16442). Commencement, operation and restoration of a small noncoal operation in Greene Township, **Erie County** affecting 10.0 acres. Receiving streams: UNT to LeBoeuf Creek. Application received: February 9, 2007. Permit Issued: April 4, 2007.

10010309. Annandale Sandstone (219 Goff Station Road, Boyers, PA 16020) Renewal of NPDES Permit No. PA0241938 in Venango Township, **Butler County** affecting 17.6 acres. Receiving streams: UNT to Seaton Creek and Seaton Creek. Application received: February 12, 2007. Permit Issued: April 4, 2007.

25042802. Mervin Troyer (7400 Route 19, Union City, PA 16438) Commencement, operation and restoration of a small noncoal sand and gravel operation in Waterford Township, **Erie County** affecting 5.0 acres. Receiving streams: UNT to French Creek. Application received: July 21, 2004. Permit Issued: April 9, 2007.

24030102 and NPDES Permit No. PA0242322. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650) Transfer of an existing bituminous strip operation from Energy Resources, Inc. in Fox Township, **Elk County** affecting 83.2 acres. Receiving streams: UNT No. 1 to Mill Run. Application received: December 22, 2006. Permit Issued: April 9, 2007.

33050106 and NPDES Permit No. PA0258032. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Transfer of an existing bituminous strip and auger operation in Knox and Oliver Townships, **Jefferson County** affecting 75.3 acres. Receiving streams: UNT to Sandy Creek. Application received: January 11, 2007. Permit Issued: April 5, 2007.

16010103 and NPDES Permit No. PA0242021. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701) Renewal of an existing bituminous strip and tipple refuse disposal operation in Perry Township, **Clarion County** affecting 136.5 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to the Allegheny River and UNTs to the Clarion River. Application Received: February 21, 2007. Permit Issued: April 11, 2007.

16-06-08. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) Proposal to enter into a Government Financed Reclamation Construction Contract on a 13.4 acre site in Clarion Township, **Clarion County**. The proposal includes remining 7.6 acres of coal incidental to the project as well as eliminate 900 feet of hazardous abandoned highwall with associated spoil piles. Receiving streams: UNT to Little Piney Creek; UNT to Little Mill Creek; UNT to Douglass Run. Application received: June 19, 2006. Contract Issued: April 12, 2007.

37060104. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77024) Commencement, operation and restoration of a bituminous strip operation in Shenango Township, **Lawrence County** affecting 48.7 acres. Receiving streams: UNT to McKee Run. Application received: September 1, 2006. Permit Issued: April 12, 2007.

25072802. Edinger Trucking & Snow Removal (11511 Wattsburg Road, Route 8, Wattsburg, PA 16442). Commencement, operation and restoration of a small noncoal operation in Greene Township, **Erie County** affecting 10.0 acres. Receiving streams: UNT to LeBoeuf Creek. Application received: February 9, 2007. Permit Issued: April 4, 2007.

10010309. Annandale Sandstone (219 Goff Station Road, Boyers, PA 16020) Renewal of NPDES Permit No. PA0241938 in Venango Township, **Butler County** affecting 17.6 acres. Receiving streams: UNT to Seaton Creek and Seaton Creek. Application received: February 12, 2007. Permit Issued: April 4, 2007.

25042802. Mervin Troyer (7400 Route 19, Union City, PA 16438) Commencement, operation and restoration of a small noncoal sand and gravel operation in Waterford Township, **Erie County** affecting 5.0 acres. Receiving streams: UNT to French Creek. Application received: July 21, 2004. Permit Issued: April 9, 2007.

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

41940801. Vernice Vaughn (2657 Bottle Run Road, Williamsport, PA 17701), noncoal mining operation in Old Lycoming Township, **Lycoming County**. Restoration of 1.0 acre completed. Receiving streams: Bottle Run, tributary to Lycoming Creek. Application received: October 30, 2006. Final bond release: April 6, 2007.

41990801. Harry C. Grimes (R. R. 5, Heshbon Road, Williamsport, PA 17701), noncoal mining operation in Loyalsack Township, **Lycoming County**. Restoration of 1.0 acre completed. Receiving streams: Lycoming Creek, tributary to West Branch Susquehanna River. Application received: March 10, 2007. Final bond release: April 10, 2007.

14050302 and NPDES No. PA0256285. Cynthia E. Russell (208 Laurel Run Road, Cursensville, PA 16833), transfer of an existing large noncoal industrial minerals permit from Raducz Stone Corporation (284 Rockdale Road, Butler, PA 16002), in Howard Township, **Centre County**, affecting 117.5 acres. Receiving streams: Lick Run (HQ-CWF) to Bald Eagle Creek (WWF) (Sayers Dam). There are no potable water supply intakes within 10 miles downstream. Application received: March 8, 2007. Permit issued: April 10, 2007.

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

49060802. Chillisquaque Mountain Stone, (729 Hookies Grove Road, Northumberland, PA 17857-9545), commencement, operation and restoration of a quarry operation in Point Township, **Northumberland County** affecting 2.0 acres, receiving stream: none. Application received July 3, 2006. Permit issued: April 11, 2007.

49062801. Lorrie K. Hartman, (955 Crawford Road, Watsontown, PA 17777), commencement, operation and restoration of a quarry operation in Delaware Township, **Northumberland County** affecting 2.0 acres, receiving stream: none. Application received October 23, 2006. Permit issued: April 11, 2007.

35060803. Eddie's Excavating and Landscaping, Inc., R. R. 1, Box 1418A, Route 435, Gouldsboro, PA 18424), commencement, operation and restoration of a quarry operation in Covington Township, **Lackawanna County** affecting 5.0 acres, receiving stream: none. Application received November 30, 2006. Permit issued: April 11, 2007.

58070802. Frank Kamarauskas, Jr., (R. D. 4, Box 4420, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Apolaccon Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 3, 2007. Permit issued: April 11, 2007.

58070805. Brandon J. Hunsinger, (R. R. 1, Box 221, Springville, PA 18844), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 22, 2007. Permit issued: April 13, 2007.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

28074117. David H. Martin Excavating, Inc., (4961 Cumberland Highway, Chambersburg, PA 17201-9655), blasting activity permit issued for commercial development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is March 26, 2008. Permit issued: April 2, 2007.

28074118. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is April 30, 2008. Permit issued: April 2, 2007.

21074129. Keystone Blasting Services, (381 Reifsnnyder Road, Lititz, PA 17543), blasting activity permit issued for commercial site development in North Newton Township, **Cumberland County**. Blasting activity permit end date is May 30, 2007. Permit issued: April 2, 2007.

21074130. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241-9424), blasting activity permit issued for residential development in Upper Allen Township, **Cumberland County**. Blasting activity permit end date is March 30, 2008. Permit issued: April 2, 2007.

01074107. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241-9424), blasting activity permit issued for commercial development in Cumberland Township, **Adams County**. Blasting activity permit end date is March 30, 2008. Permit issued: April 2, 2007.

28074119. Geological Tech., Inc., (P. O. Box 70, Falling Waters, WV 25419-0070), blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is March 28, 2008. Permit issued: April 6, 2007.

01074108. Dyno Nobel, Inc., (1320 Galiffa Driver, Donora, PA 15033), blasting activity permit issued for commercial development in Straban Township, **Adams County**. Blasting activity permit end date is April 30, 2008. Permit issued: April 6, 2007.

21074131. Dyno Nobel, Inc., (1320 Galiffa Driver, Donora, PA 15033), blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is April 30, 2008. Permit issued: April 6, 2007.

21074132. Dyno Nobel, Inc., (1320 Galiffa Driver, Donora, PA 15033), blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is April 30, 2008. Permit issued: April 6, 2007.

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

04074001. Al Neyer, Inc. (302 West 3rd Street, Suite 800, Cincinnati, OH 45202). Blasting activity permit for construction of the Beaver Turnpike Distribution Center, located in Big Beaver Borough, **Beaver County**, with an expected duration of 1 year. Permit issued: April 11, 2007.

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

62074004. AB Resources PA, LLC (7000 S. Edgerton Road, Suite 102, Brecksville, OH 44141) Blasting activity permit for gas and oil exploration in Mead Township, **Warren County**. This blasting activity permit will expire on August 1, 2007. Application received: April 9, 2007. Application Issued: April 9, 2007.

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

06074106. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Narrow Fabrics in West Reading Borough, **Berks County** with an expiration date of April 15, 2008. Permit issued: April 9, 2007.

22074108. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Laura Acres in Swatara Township, **Dauphin County** with an expiration date of April 10, 2008. Permit issued: April 9, 2007.

36074134. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling in Paradise Township, **Lancaster County**. Permit issued: April 9, 2007.

36074135. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Crossings at Rocky Springs in West Lampeter Township, **Lancaster County** with an expiration date of April 15, 2008. Permit issued: April 9, 2007.

36074136. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Graystone Road in East Petersburg Borough, **Lancaster County** with an expiration date of April 15, 2008. Permit issued: April 9, 2007.

38074106. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for blasting of a ridge in South Lebanon Township, **Lebanon County** with an expiration date of June 30, 2007. Permit issued: April 9, 2007.

09074107. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Deep Run Creek in Bedminster Township, **Bucks County** with an expiration date of April 11, 2008. Permit issued: April 10, 2007.

35074107. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Mayfield Borough, **Lackawanna**

County with an expiration date of December 31, 2007. Permit issued: April 10, 2007.

39074106. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of April 30, 2008. Permit issued: April 10, 2007.

39074108. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for Lehigh Valley Hospital Road Widening in Salisbury Township, **Lehigh County** with an expiration date of April 10, 2008. Permit issued: April 10, 2007.

39074109. Allan A. Myers, Inc. d/b/a Independence Construction Materials, (P. O. Box 98, Worcester, PA 19490), construction blasting for Estates at Coldwater in Lower and Upper Macungie Townships, **Lehigh County** with an expiration date of March 28, 2008. Permit issued: April 10, 2007.

48074103. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Pheasant Ridge Estates in Moore Township, **Northampton County** with an expiration date of April 30, 2008. Permit issued: April 10, 2007.

52074112. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hemlock Farms Development in Dingman, Blooming Grove and Porter Townships, **Pike County** with an expiration date of April 30, 2008. Permit issued: April 10, 2007.

52074115. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for commercial development in Milford Township, **Pike County** with an expiration date of April 10, 2008. Permit issued: April 10, 2007.

35074108. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting at Montage Mountain in Moosic Borough, **Lackawanna County** with an expiration date of April 10, 2008. Permit issued: April 13, 2007.

36074137. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling in Manheim Township, **Lancaster County** with an expiration date of April 11, 2008. Permit issued: April 13, 2007.

46074109. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Hawthorne Estates in New Hanover Township, **Montgomery County** with an expiration date of December 31, 2009. Permit issued: April 13, 2007.

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

Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E48-378. Paul J. Connolly, Jr., Bath Supply Company, Inc., 457 Race Street, Bath, PA 18014. Bath Borough, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 8-inch diameter stormwater outfall structure in the floodway of Monocacy Creek. The work is associated with a warehouse addition to the existing Bath Supply Company plumbing supply business located west of the intersection of Union Street and Barber Street. (Catasauqua PA Quadrangle N: 18.2 inches; W: 2.9 inches).

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

E08-442. Game Commission, P. O. Box 220, Dallas, PA 18612. Water Obstruction and Encroachment Permit in Franklin Township, **Bradford County**, ACOE Susquehanna River Basin District (Shunk, PA Quadrangle N: 41° 37' 29"; W: 76° 29' 31").

To construct and maintain 400 linear feet of rip-rap protection and four R-8 rock barbs along the left bank and remove 200 linear feet of gravel a width of 10 feet along the right bank of Schrader Creek located in Franklin Township, Bradford County. This project proposes to have a minimal impact on Schrader Creek, which is, designated an Exceptional Value Waterway. This project does not propose to impact any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

E60-180. Union County Industrial Development Corporation, Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837. Project Central Pennsylvania, in Gregg Township, **Union County**, ACOE Baltimore District (Allenwood, PA Quadrangle N: 22.7 inches; W: 3.8 inches).

To construct, operate and maintain: 1) 0.412 Acre of Isolated Wetland Impact associated with the excavation for proposed construction, N: 41° 07' 45"; W: 76° 54' 27"; 2) 0.189 Acre of Jurisdictional Wetland Impact associated with roadway and utility line construction, N: 41° 07' 44"; W: 76° 54' 30"; 3) 0.054 Acre of Jurisdictional Wetland Impact associated with roadway and pipe outfall construction, N: 41° 07' 44"; W: 76° 54' 30"; 4) 0.006 Acre of Temporary Jurisdictional Wetland Impact associated with sanitary sewer and nature trail construction, N: 41° 07' 38"; W: 76° 54' 33"; 5) 0.043 Acre of Temporary Jurisdictional Wetland Impact associated with sanitary sewer construction, N: 41° 07' 37"; W: 76° 54' 38"; 6) 0.056 Acre of Jurisdictional Wetland Impact associated with roadway and pipe inlet construction, N: 41° 07' 47"; W: 76° 54' 32"; 7) 0.032 Acre of Temporary Jurisdictional Wetland Impact associated with sanitary sewer construction, N: 41° 07' 49"; W: 76° 54' 34"; 8) 0.046 Acre of Jurisdictional Wetland Impact associated with stormwater management basin pipe outfall and energy dissipation pool construction, N: 41° 07' 57"; W: 76° 54' 01"; 9) 0.013 Acre of Jurisdictional Wetland Impact associated with future roadway construction, N: 41° 07' 59"; W: 76° 54' 02"; 10) 0.025 Acre of Jurisdictional Wetland Impact associated with utility pole relocation, N: 41° 07' 58"; W: 76° 53' 59"; 11) an 87-foot long 18-inch diameter HPDE culvert for a permanent wetland road crossing to maintain flow of water in the wetland; 12) excavation of approximately 14,000 cubic yards of earthen material out of the floodway to create a permanent 10-Acre Foot wetland habitat area; 13) a 2,500 feet long by 40 feet wide by 4 feet deep trapezoidal water diversion swale located in the 100-year floodway immediately upstream of the flood fringe stormwater pond, N: 41° 07' 23"; W: 76° 53' 50"; 14) a Stormwater Basin Outfall System in the floodway comprised of a 125 feet long by 5 feet deep by 45 feet wide R-8 riprap lined trapezoidal channel in the 100-year floodway and twin 106 feet long 60-inch diameter aluminized steel culvert pipes with Type D-W concrete endwall and R-7 riprap to reduce the energy of the stormwater as it discharges above the normal pool elevation of the West Branch Susquehanna River, N: 41° 07' 15"; W: 76° 53' 49"; 15) a 30-foot temporary stream channel disturbance for the placement of a concrete encased 8-inch diameter steel gas line crossing 6 feet below a UNT to the West Branch Susquehanna River, N: 41° 07' 25"; W: 76° 54' 00"; 16) 0.022 Acre of Isolated Wetland Disturbance for an access road for the construction of an overhead electric line, N: 41° 07' 44"; W: 76° 54' 30"; 17) 0.01 Acre Temporary Jurisdictional Wetland Disturbance for an addition of a guy wire for stability of an overhead electric pole, N: 41° 07' 47"; W: 76° 54' 32". This project proposes to have

0.818 acre of permanent wetland impacts, 0.111 acre of temporary wetland impacts, 30 linear feet of stream impacts and is proposing 1.471 acres of wetland mitigation. The increased mitigation acreage is to account for 0.646 acre of potential secondary wetland impacts. The above-mentioned encroachments are proposed to facilitate the construction of a 38.11-acre distribution warehouse and its associated parking lots and infrastructure located in the northeast corner of the Great Stream Commons Industrial Park 1 mile north from the village of Allenwood off of SR 0015.

ENVIRONMENTAL ASSESSMENTS

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

EA17-005. The Clearfield Foundation, P. O. Box 250, Clearfield, PA 16830. Wetland creation and acid precipitation abatement project on State Gamelands No. 34 in Benezette Township, **Elk County**, ACOE Baltimore District.

The applicant proposes to construct, operate and maintain 13.75 acres of created wetlands on State Game Lands No. 34, within the headwaters of the Mosquito Creek Watershed (HQ-CWF). The Mosquito Creek Watershed is severely impacted by acid precipitation. The wetland creation will incorporate aquatic and terrestrial habitat improvements including alkaline addition and food plot creation. Wetland creation will result in three separate impacts totaling 200 linear feet to a UNT to

Mosquito Creek. The impacts will result from the placement of water control structures to capture hydrology for the wetland creation. The UNT has a drainage area of 190 acres and experiences intermittent subsurface flow within the project boundaries. (The Knobs Quadrangle; Latitude N: 41° 14' 6.18"; Longitude W: 78° 17' 0.95").

WATER QUALITY CERTIFICATIONS

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

Certification request initiated by: Department of the Army, Baltimore District, United States Corps of Engineers, P. O. Box 1715, Baltimore, Maryland 21203. ACOE Baltimore District.

WQC Project Description: The proposed action is to remove approximately 58,000 cubic yards of gravel, sand and other earthen materials from the Tioga Levee above and below the mouth of the Corey Creek Conduit (approximately 5,000 feet by 100 feet). This material will be moved to a previously used upland placement site. An additional 12,000 cubic yards (approximately 3 acre area) of sediment materials will be removed from the Corey Creek Conduit Intake and placed at a previously used upland placement site. Multiple work sites associated with this project will be located in Mansfield Borough north and south of the SR 6 bridge crossing over the Tioga River. Work will also take place above and below the Corey Creek Conduit located on Mansfield 7.5' Quadrangle, N: 11.0 inches; W: 11.3 inches.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-54-004	Green Renewable Energy, Ethanol & Nutrition-Holding, LLC 1904 Tollgate Road Palm, PA 18070 Attn: Jeffrey L. Dershem	Schuylkill	Frailey and Porter Townships	6 ASTs storing petroleum products	8,930,000 gallons total

SPECIAL NOTICES

Notice of Public Hearing

The Department of Environmental Protection (Department) has scheduled a public hearing to receive testimony and comments on a major modification permit application submitted by WBLF Acquisition Co., LLC for the Western Berks Community Landfill facility located in Cumru Township, Berks County. The hearing will be held on Tuesday, June 5, 2007 at 7 p.m. at the Cumru Township Building, 1775 Welsh Road, Mohnton, PA 19540.

Persons intending to testify at the hearing should register by June 1, 2007 by calling Stefanie Muzic at (717) 705-4703. If the Department does not receive any testimony registration requests by June 1, 2007, the public hearing will be cancelled. The comment period will remain open until June 22, 2007. Written comments may be submitted during that time to John Oren, Pennsylvania Department of Environmental Protection,

Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, or by email at joren@state.pa.us.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting the File Room at (717) 705-4732 between the hours of 8 a.m. and 4 p.m., Monday through Friday.

Persons with a disability who wish to attend the hearing but require an auxiliary aid, service or other accommodations to participate in the proceedings, please contact the Department for assistance. TDD users may use the AT&T Relay Services at (800) 654-5984.

Public Meeting and Public Hearing Invitation

Public Hearing for NPDES Permit No. PAS10S119 Proposed Alpine Rose Resorts, Eldred Township, Monroe County

The Department will hold a public hearing to accept comment on revisions to an Individual NPDES Permit Application No. PAS10S119 for the discharge of stormwater from construction activities at the proposed Alpine Rose Resorts, Eldred Township, Monroe County. The revisions include an Antidegradation Analysis as per a decision of the Environmental Hearing Board in this case.

The public hearing will be conducted on Thursday, May 31, 2007, at 7 p.m. at the Eldred Elementary School, Kunkletown Road, Kunkletown, Eldred Township, Monroe County by the Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. The hearing is in response to an application submitted by Richard Muller, Jr., President, Alpine Rose Resorts, Inc. The NPDES permit application proposes the discharge of stormwater from construction activities to Aquashicola Creek.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Alpine Rose Resorts Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to NPDES Permit Application No. PAS10S119. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Monroe County Conservation District Office, Stroudsburg, PA (570) 629-3060. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

[Pa.B. Doc. No. 07-749. Filed for public inspection April 27, 2007, 9:00 a.m.]

Bid Opportunities

BOGM 07-7, Cleaning Out and Plugging Two Abandoned Gas Wells, (Deborah Nicholas and James E. Berry Properties), Kiskiminetas Township, Armstrong County. The principal items of work include cleaning out and plugging two abandoned gas wells, estimated to be 7,500 feet in depth, to Department

specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. The estimated plugging time is 120 hours. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Please contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-750. Filed for public inspection April 27, 2007, 9:00 a.m.]

Bid Opportunities

Update to the following contract advertisements previously published at 37 Pa.B. 1738 and 1739 (April 14, 2007):

Contract No. OSM 03(3498)101.1
Contract No. OSM 10(7000)101.1
Contract No. OSM 10(2922)101.1

The advertisements for the previously referenced contracts incorrectly reference the bid opening date as May 15, 2007. The bid opening date should read May 17, 2007.

Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-751. Filed for public inspection April 27, 2007, 9:00 a.m.]

Draft Coastal and Estuarine Land Conservation Plan; Public Comment Period

The Department of Environmental Protection (Department) has developed a draft Coastal and Estuarine Land Conservation Plan (CELCP). CELCP was created by an Act of Congress in 2002 to provide funding for coastal land conservation. To qualify to receive funds under CELCP, the Act requires states to develop and submit to the National Oceanic and Atmospheric Administration (NOAA) for approval, a CELC plan that provides an assessment of priority conservation needs and guidance for nominating and selecting land conservation projects within the state.

The CELCP document is available on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Coastal Zone Management Program/Coastal Zones") or can be obtained by contacting the Water Planning Office at (717) 772-4785.

Comments on the draft plan may be submitted to Jeff Dewey, Department of Environmental Protection, Water Planning Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, jdewey@state.pa.us. The Department must receive comments on the draft plan by May 29, 2007.

Following the 30-day public comment period, the Department will review submitted comments, prepare a written comments and response document and prepare a final Plan, which will be submitted to the United States Commerce Department. The availability of the final Plan will be announced in a future edition of the *Pennsylvania Bulletin*.

Questions concerning the draft plan should be directed to Jeff Dewey at (717) 772-5619 or at the e-mail address provided previously.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-752. Filed for public inspection April 27, 2007, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for the State College (Centre County) 8-Hour Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The State College 8-Hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003-2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment of the 8-hour ozone National ambient air quality standard (NAAQS). The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan, which demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at www.depweb.state.pa.us (choose "Air Plans") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Wednesday, May 30, 2007, at 10 a.m. at the Centre Region Council of Governments Building, Forum Room, 2643 Gateway Drive, State College, PA 16801. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or yhouse@state.pa.us to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than June 1, 2007. Written comments should be sent to the

attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, or jhavens@state.pa.us. Use "State College Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-753. Filed for public inspection April 27, 2007, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board; Meeting Cancellation

The Small Water Systems Technical Assistance Center Advisory Board's (Board) regular quarterly meeting scheduled for May 17, 2007, from 10 a.m. to 3 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA is cancelled. The next meeting of the Board is scheduled for August 16, 2007 (see 36 Pa.B. 8001, 8005 (December 30, 2006) for meeting details).

Questions concerning the cancellation of the May 17, 2007, meeting or the next regularly scheduled Board meeting may be directed to Ray Braun at (717) 772-2186 or rbraun@state.pa.us. The agenda and meeting materials for the August 16, 2007, meeting of the Board will be available on the Department of Environmental Protection's website at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-2186 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-754. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Funds for Traumatic Brain Injury (TBI) Peer Relations Mini-Grants

The Bureau of Family Health (Bureau), Division of Child and Adult Health Services is accepting applications to support education and awareness of the causes and consequences of traumatic brain injury (TBI) among youth. It is entitled: Traumatic Brain Injury (TBI) Childhood Education and Awareness Peer Relations Program. Funding for up to \$4,500 is available to support education and awareness of traumatic brain injury as it impacts the TBI survivor and peers. Activities would educate all students/youth about the cognitive and emotional changes associated with brain injury, explore peer relationships, model positive attitudes and introduce concepts surrounding compensatory strategies.

For the purpose of this funding opportunity, a TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive

abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Eligible applicants are Pennsylvania public and private organizations, foundations or community-based agencies recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group.

Project funds must be used to reimburse purchases and activities occurring between July 1, 2006 and June 30, 2007. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$4,500.

Completed applications will be accepted up to the due date, May 14, 2007. Awards will be made after that date, and will be contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's website www.health.state.pa.us (search words: mini-grant, brain injury).

Completed applications will be scored by an independent review panel. Rating factors include the following:

1. The need for the awareness and educational program is justified.
2. The audience of the proposed activity meets the intended target.
3. The activities meet at least 3 of the 5 learning objectives, which are:
 - a. Building peer relationships between children with head injuries and other children in the classroom, group or community setting.
 - b. Recognizing and supporting the use of coping mechanisms, adaptive equipment, therapies, and the like, utilized by students/children with head injuries throughout their day.
 - c. Intervening and providing support to children with brain injuries and their peers during potentially distressing situations.
 - d. Preventing head injuries/TBI/concussions.
 - e. Acknowledging the similarities of "bad behavior" actions/choices between head injured and nonhead injured children while recognizing, developing and utilizing the different supports required to address these actions/choices of the head injury student through training, education and awareness.
4. The proposed budget and purchases are reasonable.
5. The proposed activity will have an ongoing, systemic benefit to the community.

Applicants will be notified of approval/disapproval in writing within 30 days of the due date.

To request application materials or for additional information related to this initiative, contact Danielle M. Tedesco, TBI Program Administrator, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2762, fax (717) 772-0323, dtedesco@state.pa.us.

Individuals with a disability who require an alternative format of this notice or of the application materials (for example, large print, audiotape, Braille) contact Danielle M. Tedesco in the Bureau of Family Health at (717)

772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-755. Filed for public inspection April 27, 2007, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, June 27, 2007, from 7:45 a.m. to 2 p.m., at the Dixon University Center, 2986 North Second Street, Harrisburg, PA, 17110.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA at (717) 787-5251.

Persons with disabilities desiring to attend the meeting and requiring an auxiliary aid, service or other accommodation to do so contact Kathleen A. Zitka at (717) 787-5251 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-756. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Gold Rush '07 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Gold Rush '07.

2. *Price:* The price of a Pennsylvania Gold Rush '07 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Gold Rush '07 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in

the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Gold Coin symbol (GLDCN), Gold Nugget symbol (GLDNGT) and a Gold Bar symbol (GLDBAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$20,000 (TWY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$20,000 and \$250,000. The player can win up to ten times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Gold Rush '07 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$1,000 (ONE THO) appears under the Gold Coin symbol (GLDCN) on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$500 (FIV HUN) appears under the Gold Nugget symbol (GLDNGT) on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$500 (FIV HUN) appears under the Gold Coin symbol (GLDCN) on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GLDBAR), and a prize symbol of \$100 (ONE HUN) appears under the Gold Bar symbol (GLDBAR) on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$200 (TWO HUN) appears under the Gold Nugget symbol (GLDNGT) on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$100 (ONE HUN) appears under the Gold Coin symbol (GLDCN) on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$50\$ (FIFTY) appears under the Gold Nugget symbol (GLDNGT) on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GLDBAR), and a prize symbol of \$20\$ (TWENTY) appears under the Gold Bar symbol (GLDBAR) on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$50\$ (FIFTY) appears under the Gold Coin symbol (GLDCN) on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GLDBAR), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Gold Bar symbol (GLDBAR) on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$20\$ (TWENTY) appears under the Gold Nugget symbol (GLDNGT) on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol

(GLDCN), and a prize symbol of \$20\$ (TWENTY) appears under the Gold Coin symbol (GLDCN) on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Gold Nugget symbol (GLDNGT) on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Gold Coin symbol (GLDCN) on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$5^{.00} (FIV DOL) appears under the Gold Nugget symbol (GLDNGT) on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$10	\$10	40	150,000
\$10 w/Gold Coin	\$10	40	150,000
\$5 w/Gold Nugget	\$10	40	150,000
\$5 × 2	\$10	15	400,000
\$20	\$20	120	50,000
\$20 w/Gold Coin	\$20	120	50,000
\$10 w/Gold Nugget	\$20	120	50,000
\$10 × 2	\$20	120	50,000
\$15 + \$5	\$20	20	300,000
\$50	\$50	200	30,000
\$50 w/Gold Coin	\$50	600	10,000
\$5 × 10	\$50	600	10,000
\$10 × 5	\$50	600	10,000
\$10 w/Gold Bar	\$50	300	20,000
\$20 w/Gold Nugget + \$10	\$50	120	50,000
\$100	\$100	600	10,000
\$100 w/Gold Coin	\$100	600	10,000
\$10 × 10	\$100	600	10,000
\$20 × 5	\$100	600	10,000
\$50 × 2	\$100	600	10,000
\$20 w/Gold Bar	\$100	600	10,000
\$50 w/Gold Nugget	\$100	600	10,000
\$500	\$500	4,800	1,250
\$500 w/Gold Coin	\$500	4,800	1,250
\$200 w/Gold Nugget + \$100	\$500	4,800	1,250
\$50 × 10	\$500	4,800	1,250
\$100 × 5	\$500	4,800	1,250
\$100 w/Gold Bar	\$500	4,800	1,250
\$1,000	\$1,000	12,000	500
\$1,000 w/Gold Coin	\$1,000	12,000	500
\$100 × 10	\$1,000	12,000	500
\$100 w/Gold Bar + \$500	\$1,000	12,000	500
\$500 w/Gold Nugget	\$1,000	12,000	500
\$5,000	\$5,000	60,000	100
\$500 × 10	\$5,000	60,000	100
\$20,000	\$20,000	240,000	25
\$250,000	\$250,000	600,000	10

Gold Coin (GLDCN) = Win prize shown under it automatically.
 Gold Nugget (GLDNGT) = Win double the prize shown under it.
 Gold Bar (GLDBAR) = Win five times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Gold Rush '07 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Gold Rush '07, prize money from winning Pennsylvania Gold Rush '07 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Gold Rush '07 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Gold Rush '07 or through normal communications methods.

THOMAS W. WOLF,
Acting Secretary

[Pa.B. Doc. No. 07-757. Filed for public inspection April 27, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Berks County

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

The Department of Transportation (Department) plans to replace the S-Bridge (SR 3061, Section TLP) in Marion Township, Berks County. The project will require the removal of the National Register of Historic Places Listed S-Bridge and the use of land from the Tulpehocken Creek Historic District, a section 2002 resource within the project limits.

Mitigation measures will be taken to minimize harm to the Tulpehocken Creek Historic District including providing aesthetic treatments for the new bridge, planting historically sensitive landscaping, documenting the bridge's demolition, providing the opportunity for local historic organizations to reuse the stones from the original bridge, and providing an education booklet on the history of the Tulpehocken Settlement.

The Chief Engineer for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code 1929, and has concluded

that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effect.

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

M. G. PATEL, P. E.,
Chief Engineer

[Pa.B. Doc. No. 07-758. Filed for public inspection April 27, 2007, 9:00 a.m.]

Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), District 9-0, under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513 (e)(7)) intends to sell certain land owned by the Department.

The following is a list of the properties available for sale by the Department:

Parcel No. 104. (Duncansville New Hope Baptist Church) located in Allegheny Township, Blair County. The parcel contains 33,051 square feet of unimproved land situated at 2290 Old Route 220 North Business, Duncansville, PA 16635. Estimated fair market value is \$200,000.

Parcel No. 70. (Thomas W. and Mary E. Kurtz) located in Greenfield Township, Blair County. The parcel contains 11.061 acres of unimproved land situated at a point 320 feet south of mile marker 19 and extending to a point 960 feet north of mile marker 19 along the south side of the northbound lanes of I-99 (L. R. 1061-B02). Estimated fair market value is \$2,475.

Parcel No. 72. (Harry and Sue B. Lingenfelter) located in Greenfield Township, Blair County. The parcel contains two landlocked tracts; one containing 6.029 acres, and the other containing 77.235 acres of unimproved land situated at a point 300 feet north of mile marker 19 and extending to a point 4,500 feet north of mile marker 19 along the southbound and northbound lanes of I-99 (L. R. 1061-B02). Estimated fair market value is \$10,085.

Interested public entities are invited to express their interest in purchasing the sites within 30 calendar days from the date of publication of this notice to Barry Clancy, Property Manager, Department of Transportation, R/W Unit, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

ALLEN D. BIERHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-759. Filed for public inspection April 27, 2007, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

BP Products North America, Inc. v. DEP; EHB Doc. No. 2005-032-L

The Department of Environmental Protection (Department) and BP Products North America, Inc. (BP) have agreed to a settlement of the previous matter. The

Department issued an individual NPDES Permit PA 0205028 on January 10, 2005, effective February 1, 2005. The NPDES Permit authorizes discharges from BP's Petroleum Marketing Terminal in Hempfield Township, Westmoreland County to an unnamed tributary of Jacks Run. The NPDES Permit contains interim and final effluent limitations. The final effluent limitations become effective 3 years after the effective permit date. BP appealed issuance of the NPDES Permit challenging, *inter alia*, the imposition of final effluent limitations for benzene, other organics and metals on the discharge.

The parties have agreed to a settlement, the major provisions of which include:

1. The Department will modify the final limits of the NPDES Permit to Monitor and Report.
2. BP will submit a full and complete application for a Water Management Part II permit to authorize modifications BP made to its oil water separator.

Copies of the full agreement are in the possession of: Zelda Curtiss, Assistant Regional Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262 and David G. Mandelbaum, Esquire, Ballard Spahr Andrews & Ingersoll, LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103-7599, (215) 864-8102 and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Individuals believing himself aggrieved by the previous settlement has a right to appeal to the Environmental Hearing 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) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 07-760. Filed for public inspection April 27, 2007, 9:00 a.m.]

Elementis Pigments, Inc. v. DEP; EHB Doc. No. 2007-099-L

Elementis Pigments, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Elementis Pigments, Inc. for a facility in Easton City, Northampton County.

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

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is

required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

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

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 07-761. Filed for public inspection April 27, 2007, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings: Wednesday, May 2, 2007, Data Systems Committee meeting—10 a.m., Education Committee meeting—1 p.m.; Thursday, May 3, 2007, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-762. Filed for public inspection April 27, 2007, 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 Regulation Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 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>
2-152	Department of Agriculture Dog Law Enforcement 36 Pa.B. 7596 (December 16, 2006)	3/16/07	4/16/07
19-9	Department of Corrections State Intermediate Punishment 37 Pa. B. 786 (February 17, 2007)	3/19/07	4/18/07

**Department of Agriculture Regulation
#2-152 (IRRC #2559)
Dog Law Enforcement
April 16, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the December 16, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

1. General—Statutory authority; Fiscal impact; Protection of public health and safety; Need; Reasonableness; Consistency with other regulations and statutes; Implementation procedure; Legislative review; Clarity.

The proposed regulation generated an exceptional level of interest. The Department is to be commended for extending the public comment period to 90 days. More than 16,000 comments on this proposed regulation were received. Although many expressed support for the goals of this proposed regulation, there was also concern among both supporters and opponents. Our comments include both a detailed review of specific provisions in the proposed regulation and discussion of general concerns.

Fiscal impact v. Benefit; Need for change

In the Preamble to the proposed regulation, the Department stated the costs of compliance with this proposed regulation will range from \$5,000 to \$20,000 per existing kennel. Numerous commentators, including members of the General Assembly, asserted that this regulation would impose far-reaching costs on all kennels and the public. Based on the comments received, it appears that the fiscal impact estimates presented by the Department were significantly understated. Legislators who commented include: Senators Jake Corman, Stewart J. Greenleaf, J. Barry Stout and Robert C. Wonderling, and Representatives Bob Bastian, Karen Boback, Mark Keller, Mike Fleck, Michael K. Hanna and Michael B. Carroll.

Commentators provided a wide range of cost estimates for the renovations, new construction and additional staff that would be necessary to comply with the proposed regulation. These estimates were vastly greater than those of the Department. These costs are expected to far exceed what could be recovered by increasing purchase prices or adoption fees for puppies or dogs.

Many asserted that nonbreeding kennels, including those operated by local Humane Societies, rescue shelters

and other nonprofit organizations, would be forced to close their doors to unwanted, abused or stray dogs. This unintended consequence of the proposed regulation carries a significant impact on public health and safety beyond our capacity to estimate in the limited period of our review. Supporters of the proposed regulation are genuinely concerned with the condition and suffering of this same dog population, which includes displaced, unwanted or unhealthy dogs purchased or rescued from poorly run kennels.

The crucial question is how to correct existing problems and protect dog health and safety in the most cost-effective way. In order to aid our review, Commission staff asked the Department to provide the name and location of kennels that currently meet the requirements of the proposed regulation. Although there are kennels that currently meet most of the proposed changes, the Department is unable to identify one privately operated kennel that meets all of the proposed requirements and standards.

The Department needs to explicitly identify the problems that it seeks to resolve. What are the number and type of existing complaints concerning dog health and safety, or human health, safety and welfare that are not being addressed by the existing regulations? To what extent are these problems related to enforcement? Does the Department have access to information on complaints or problems documented under the "puppy lemon law" (Act 27 of 1997) or via other sources? What specifically have dog wardens or other Department employees observed in performing their duties that could be improved via changes in the rules? Has the Department gathered information concerning the frequency and costs of care and medical treatment for dogs with problems that can be attributed to conditions at Pennsylvania kennels? Finally, what is the need for this rule?

Furthermore, the Department needs to explain how the provisions of the proposed regulation will solve the identified problems. What evidence or scientific research is available that supports and documents the benefits of the new rules? This same question was asked in a joint letter dated March 15, 2007, from Representatives Bastian, Boback, Keller and Fleck. Will the benefits outweigh the costs? Are there cost-effective alternatives that will produce similar benefits? Essentially, the Department needs to document the need for change and how its proposals will efficiently accomplish its objectives.

Next steps for this rulemaking

Given the considerable public involvement and legislative interest in this proposed regulation and the strong support for major revisions in the rulemaking, the Department should work to guarantee full public review of proposed revisions. We strongly encourage the Department to organize stakeholder meetings with representatives from all types of kennels to develop a full understanding of their operations, dogs and clients. In this way, it can develop standards that will protect the health and safety of dogs while simultaneously recognizing the unique functions at different kennels. The Department should work with affected parties, experts, concerned citizens, and the General Assembly to develop improved ideas for achieving its policy objectives without imposing unnecessary or unreasonable financial burdens.

Section 902 of the Dog Law (Law) (3 P. S. § 459-902) requires that the Department hold a public hearing before it promulgates final regulations. The Department could use this hearing as one opportunity for input. We

urge the Department to make proposed revisions available for the public and legislators to review before the hearing. Interested parties could submit written comments and participate in the hearing. The Department should also publish an Advanced Notice of Final Rule-making and provide an opportunity for public comment to resolve any remaining issues before submitting a final-form regulation.

“One-size-fits-all” approach

This proposed regulation seeks to manage all kennels with one uniform set of requirements. A consistent theme offered by commentators is that one size does not fit all. Large commercial breeders, small home-based breeders, rescue organizations, shelters, research laboratories, boarding kennels, sporting kennels, and other kennel operations, cover a broad range of facilities of various sizes and functions.

Section 102 of the Law (3 P.S. § 459-102) sets forth several different statutory definitions for kennels. Hence, the rationale for placing all kennels together under one regulatory scheme appears to be at odds with the recognition in the enabling statute that not all kennels are alike. We recommend that the regulation reflect the statute and acknowledge differing conditions at a variety of kennels. Alternatively, if the Department opts to retain the uniform “one-size-fits-all” program in the final-form regulation, it will need to set forth a detailed justification in its response to comments.

Role of Federal law and regulations

There is disagreement between commentators and the Department over the relationship between the proposed regulation and federal regulations and law. The U.S. Department of Agriculture (USDA) promulgates regulations for kennels that engage in interstate commerce under the authority of the Animal Welfare Act (7 U.S.C. §§ 2131–2159). Some supporters of the proposed regulation and Department staff assert that the proposed regulation is consistent with the Animal Welfare Act and federal regulations. On the other hand, other commentators, including members of the General Assembly, declare that the regulation exceeds the federal rules and standards. Many commentators recommend that the Department base the revisions in the proposed regulation on the federal regulations or simply reference the federal regulations in Chapter 21.

The Department needs to identify precisely where the provisions of its proposed regulation meet or exceed provisions of the federal regulations. If a proposed provision is more stringent than its federal counterpart, the Department should explain the compelling interest, need or reason for exceeding the federal rule.

Major revision of existing Chapter 21: Format, Structure and Clarity

Given the scope of the amendments to Chapter 21, this proposed regulation represents a major revision and a new direction. A pervasive problem is the attempt to fold several new provisions into the existing provisions of Chapter 21. Commentators expressed concerns not only with the substance of the proposed regulation but also with its format, and sometimes redundant and conflicting language.

For example, even though there are specific sections entitled “Sanitation” and “Food, water and bedding,” provisions for “sanitation” and “bedding” are repeated in other sections. The effect is confusing for interpretation, implementation and enforcement. Another problem is that

standards for similar subjects are scattered into different sections. The “space” requirements for “primary enclosures” are in one section entitled “Space.” Another section entitled “Shelters” contains some requirements for flooring in “primary enclosures.” Other sections are entitled “Ventilation in indoor facilities,” “Lighting in indoor facilities,” and “Temperature control.” Requirements for outdoor or indoor facilities are scattered in different sections. Rather than trying to integrate new provisions into an antiquated structure, the Department should consider starting from scratch and reformatting Chapter 21 with input from both stakeholders and the General Assembly.

Recordkeeping requirements

Several commentators, including members of the General Assembly, expressed concern with the extensive recordkeeping requirements. They assert that the Department has exceeded its authority in requiring certain records to be kept, and contend that the recordkeeping requirements found in the Law are “straightforward as enumerated, and without an additional general provision for the secretary to require anything further” Provisions related to recordkeeping include Sections 21.14(a)(5)(vii)(C) and (D), 21.23(e)(v), 21.24(f)(8) and 21.41(e).

Other commentators claim that the extensive recordkeeping requirements in this proposed regulation would be onerous because of the need to increase staff, without adding any extra benefit.

Section 207(c) of the Law provides a specific list of the information that is to be maintained in records by a kennel. The Department should justify why it is adding to this list.

If these requirements are retained, the Department could accomplish its goal and reduce the burden on the regulated community by allowing kennels to create a standard operating procedure and using a checklist to ensure that those protocols are followed.

Alternatives to reduce fiscal impact

There are alternatives that the Department could examine to minimize the costs that will be imposed by this proposed regulation. These alternatives include the following:

Grace period: When new regulations require major renovations, promulgating agencies often give existing facilities a specific time period in which they can bring their operations into compliance with the new requirements. For example, USDA regulations included extended timeframes for compliance at 9 CFR 3.6(a)(2)(xii). In contrast, the Preamble of this proposed regulation states that its effective date will be upon publication of the final-form regulation in the *Pennsylvania Bulletin*. There is no mention of how soon existing facilities will be expected to comply with the new requirements.

Grandfather clause: Another method used in law and regulations is an exemption for existing facilities. Existing facilities would be allowed to operate under the current standards. When they renovate or expand their facilities, they would then be required to comply with the new regulations. Another option would be to require that an existing facility have a clean record without violations in order to qualify for the exemption.

Plan of correction: Another way to encourage cooperation between regulated entities and an agency is to provide for plans of correction. The plan would set

forth a specific time period in which the kennel will correct deficiencies and bring its facility into compliance. If the kennel fails to complete the plan of correction within the specified time period, the Department could proceed with other enforcement options including court action and fines. This type of provision could be placed in Section 21.4 relating to penalties. An example is in the existing regulations of the Department of Health at 28 Pa. Code § 1009.4(c).

If the Department plans to promulgate this proposed regulation, it should consider moderating the costs of the transition. Any one or all of the above suggestions could be added to the final-form regulation to assist kennels in meeting the new standards.

Research facilities

Section 218 of the Law provides:

Research facilities in the Commonwealth that are currently under Federal Government inspection shall be exempt from State inspection if they have undergone no less than one Federal Government inspection within the past 12 months.

Given this statement in the Law, the Department should explain its authority to inspect and establish new requirements for research facilities.

2. Section 21.1. Definitions.—Statutory authority; Fiscal impact; Reasonableness; Consistency with other regulations and statutes; Implementation procedure; Clarity.

Establishment

The proposed regulation adds a new definition for the term “establishment” to clarify the kennel requirements in Section 206 of the Law. However, many commentators found the definition of “establishment” to be “very convoluted,” as it refers to both “premises” (including land and facilities) and a “person.”

Along with the word “person,” the new definition includes the words “individual, ... organization, business or operation.” The use of these words is unnecessary since the term “persons” is defined in the Law (3 P. S. § 459-102) as including individuals, corporations or other associations.

Commentators question the need for this definition. We agree. The Law does not include a definition of “establishment.” However, it does define “kennel” as:

Any establishment wherein dogs are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show or any other similar purpose and is so constructed that dogs cannot stray therefrom. (3 P. S. § 459-102)

The Law also includes separate definitions for different types of kennels. Furthermore, Section 206(a) of the Law (3 P. S. § 459-206(a)) states:

A kennel license is required to keep or operate any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any one calendar year.

Since the Law delineates when a place or person needs a kennel license, we do not see the need for the definition of the term “establishment.” In addition, the terms “kennel” and “establishment” are used interchangeably throughout the proposed and existing regulations. The Department needs to select one term when it is referring

to a place that is or should be licensed as a kennel and use that term consistently. The final-form regulation should incorporate or cross-reference the statutory definitions and language set forth in the Law to clarify who and what is covered by the licensure requirements.

Kennel, Boarding kennel, Breeding kennel, Dealer kennel, Nonprofit kennel, Pet shop-kennel, Private kennel, Research kennel

Section 102 of the Law (3 P. S. § 459-102) contains a general definition for the term “kennel” and separate definitions for seven different types of kennels. However, none of these statutory definitions are included or referenced in the existing regulations or in this proposed regulation. These terms and their statutory definitions should be incorporated or cross-referenced into Chapter 21 to differentiate among the various types of kennels and the standards that apply uniquely to each type. The generic term “kennel” and its statutory definition could be used for requirements that apply to all kennels.

Commentators have also expressed concern with how long a dog needs to be in a kennel to be counted as one of the minimum of 26 dogs during a year. The definition of “boarding kennel” in the Law (3 P. S. § 459-102) states that it is a kennel where “dogs are housed or trained for compensation by the day, week or a specified or unspecified time.” Hence, the statute appears to give some latitude on this subject. As it reviews suggestions for setting a minimum time period for a dog to be counted as one of the minimum 26, the Department should consider the growing industry of “dog day care centers” where pet owners may leave their dogs while the owners go to work. If a place houses 26 or more dogs while the dogs’ owners go to work, and keeps no dogs overnight, should this business be licensed as a kennel and subject to inspection?

A related concern was also expressed by the Sporting Dog Defense Coalition (SDDC). What is the Department’s intent concerning licensure for kennels that house dogs temporarily for field trials, training or hunting events?

Sanitize

The Pennsylvania Society for Biomedical Research (PSBR), Merck & Co., Inc., Research Laboratories and GlaxoSmithKline recommend that the regulation use the definition of “sanitize” found in the federal regulations at 9 CFR 1.1. We agree.

Temporary home

Several commentators questioned the intent of this new definition. It is also unclear whether the Department would have authority to impose requirements on a place that does not house the minimum of 26 dogs at some point within a year. If a kennel owner or operator is placing some of its dogs in different facilities, then such a situation should be addressed through substantive provisions that apply to licensed kennels. Unless the Department can explain the need for this definition, it should be deleted from the final-form regulation.

3. Section 21.3. Enforcement and compliance.—Protection of public health and safety; Consistency with statute; Reasonableness.

Some commentators suggested that Section 21.3 of the regulation be amended to allow police officers to enforce the regulations. Section 901(a) of the Law begins with this sentence:

The secretary, through State dog wardens, employees of the department and police officers, shall be charged with the general enforcement of this law.

Since the Law authorizes it, the Department should provide direction for the role of police officers in enforcement in the final-form regulation.

4. Section 21.4. Penalties.—Statutory authority; Consistency with statute and regulation; Need; Reasonableness; Clarity.

The proposed regulation amends this existing section in Chapter 21. In the Preamble, the Department states that the new language “is intended to clarify the Secretary’s powers, duties and enforcement options.” We have identified concerns with the following provisions.

Subsection (1)(iii)

We have four concerns with this subsection.

First, as noted by the Pennsylvania Federation of Dog Clubs (PFDC), this subsection conflicts with proposed Section 21.14(a)(3)(i). Subsection 21.4(1)(iii) does not permit a facility to operate without first getting a license while Subsection 21.14(a)(3)(i) states that only upon reaching the 26 dogs per year threshold is a facility required to be licensed. The Department should reconcile the language in these sections for consistency. A similar concern applies to Section 21.14(a)(4).

Second, the Department should explain the need for and intent of the amendments to Subsection (1)(iii)(B). Specifically, what is the “issuance of a Notice of Violation and time period to comply, or an order, or both”?

Third, we question the statutory authority for the new language in Subsection (1)(iii)(B) which would allow the Secretary to impose a fine with the issuance of an administrative order. In contrast, Section 207(a.1) of the Law (3 P. S. 459-207(a.1)) states that the Department may seek the imposition of a fine in a suit in equity in Commonwealth Court. The Department needs to explain its authority for this provision or delete the new language in Subsection (1)(iii)(B) from the final-form regulation.

Fourth, Subsections (1)(iii)(A), (B) and (C) are practically identical to Sections 21.14(a)(4)(i), (ii) and (iii). The only exception is that Section 21.14(a)(4)(ii) does not mention the possible imposition of a “fine of not less than \$100 and not more than \$500.” There is no need for this repetition. If necessary, other sections in the regulation can refer to the penalties provisions in Section 21.4.

Subsection (1)(iv)

We have three concerns with this subsection.

First, the proposed regulation is replacing “may” with “will” in Subsection (1)(iv). It is unclear why this change is being proposed. Section 211(a) of the Law reads:

(a) General powers of secretary.—The secretary *may* revoke or suspend a kennel license or out-of-state dealer license or refuse to issue a kennel license or out-of-state dealer license for any one or more of the following reasons: [Emphasis added.]

* * * * *

(5) the person holding or applying for a license has been convicted of any law relating to cruelty to animals.

The proposed language change would force the Secretary to automatically revoke, suspend or deny a kennel license when a licensee or applicant was convicted of any violation of 18 Pa.C.S. § 5511. The proposed regulation would also automatically deny a license to anyone who was convicted of a violation of 18 Pa.C.S. § 5511 within the last ten years. The Department should provide a

detailed justification for these changes. Alternatively, the Department could incorporate the statutory language from Section 211 of the Law.

Second, Representatives Bastian, Boback, Keller and Fleck expressed concerns with new language in this subsection. They noted that the main paragraph in Subsection (1)(iv) refers only to convictions under Pennsylvania law. They questioned whether this language would limit the ability of the Department to revoke, suspend or deny licenses for kennel operators convicted in other states. In contrast, the language in Section 211(a)(5) of the Law allows licensure revocation, suspension or denial when the applicant or license holder “has been convicted of any law relating to cruelty to animals.” The proposed regulation refers only to “any law relating to cruelty to animals” in Subsection (1)(iv)(E) pertaining to convictions that are more than ten years old. The Department should clarify the language to reflect the statute.

Third, the Department should explain whether a revoked license may be reinstated, and if so, how.

Subsection (1)(v)(B)(I)

We have three concerns with this subsection.

First, it is one long sentence and should be reformatted for clarity. The Department should refer to Chapter 7, entitled “Enumerations” in the *Pennsylvania Code and Bulletin Style Manual* for guidance in formatting this subsection. In this case, the subsection would use a list of items to enumerate the conditions for the return of a seized dog. There are other long paragraphs in the proposed regulation that could be reformatted into enumerated lists.

Second, the enumeration of this subsection would have to elaborate on several issues. As proposed, it reads:

If the person whose kennel license or out-of-State dealer license has been revoked, suspended or denied and whose dog has been seized and impounded provides the Department with satisfactory evidence or assurances that the dog will receive adequate care, **which may include an inspection by a State dog warden or employee of the Department of the premises and buildings in which the dog will be housed**, a plan of care and kennel maintenance, a signed sworn letter from a licensed veterinarian attesting to oversee the care, or other information related to care of the dog as the Department may reasonably require, and the person has paid all costs of transportation, care and feeding related to the seizure and impoundment of the dog, the Department may allow the person to retrieve the seized and impounded dog. [Emphasis added.]

It is unclear how an inspection by a state official could be “included” as a part of the “evidence or assurances” by the dog owner. In addition, what would constitute “assurances that the dog will receive adequate care”?

Finally, what “other information related to care of the dog” might the Department require? How will the regulated kennel or person be notified of the need for “other information”? A similar concern applies to Subsection (2)(iii)(C).

Subsection (1)(v)(C)(II)

Under this subsection, how can the facility be determined to be able to provide “adequate” care if its license has been revoked, suspended or denied?

Subsection (1)(vi)(B)(III)

This subsection contains the word “timely,” when referring to the payment of the reasonable costs. In order to provide guidance to the regulated community, the word “timely” should be replaced with a specific timeframe. The same concern applies to Subsection (2)(iii)(B).

Subsection (2)(iii)

Subsection (2)(iii)(C) contains the phrase: “the dangerous dog shall be forfeited to some entity other than the Department.” Does the term “entity” refer to facilities such as the Humane Society?

Subsection (2)(v)

Commentators have recommended that this subsection be amended to apply to attacks that are unprovoked. They also suggest that “unprovoked” be defined in the Definitions section. Did the Department consider adding “unprovoked” to this subsection?

5. Section 21.14. Kennel licensure provisions.— Statutory authority; Fiscal impact; Consistency with statutes and regulations; Need; Reasonableness; Implementation procedure; Clarity; Legislative review.

This is a new section that the Department is adding to Chapter 21. It addresses kennel licensure requirements in Sections 206 and 207 of the Law. As stated in the Preamble, “it provides more specifics with regard to the intent and enforcement of the kennel licensure provisions of the act and sets forth the substantive provisions of the regulations which relate to the new definitions of ‘establishment’ and ‘temporary home’ set forth in these regulations.” We identified the following concerns:

Subsection (a)(1)

This subsection references different classes of kennels that are listed in Section 206(a) of the Law. These different classes of kennels are not listed in the proposed or existing regulation. There is only a vague reference in Section 21.2 (relating to scope) of the existing regulation to the types of kennels in Section 206 of the Law. This new subsection should include a reference to the different classes of kennels in Section 206(a) of the Law.

Section 206(a) of the Law includes the following statement: “The application forms and kennel licenses shall be as designated by the secretary.” However, there is no mention of an application form in the proposed or existing regulations. The final-form regulation should set forth the contents of these forms and indicate the type of information that kennel applicants would need to provide. The regulation should also indicate how potential applicants can obtain copies of the form.

Subsection (a)(3)

We agree with PFDC that this subsection should clarify whether dogs that stop by a kennel during the day, dogs that accompany their owner overnight or dogs that stay overnight without a fee be counted as part of the 26-dog threshold. We raised a similar question above in the discussion of the definition of “kennel.” Also, can a dog be counted more than once towards the cumulative total regardless of how many times it returns in a year? This subsection should be amended to clearly state the Department’s intent.

Subsection (a)(3)(i), (ii) and (iii)

We have three concerns with this subsection.

First, this subsection appears to require a kennel to have the capacity to keep the total number of dogs that

would be kept, harbored, boarded, sheltered, sold, given away or in any way transferred annually, even though the facility may never have that number of dogs physically present at any one time. This raised a lot of concern from commentators including legislators. Does the Department intend for kennels to have facilities to keep the total numbers of dogs that it keeps in a year? If so, it should provide its authority to do so and explain why this is a reasonable requirement. If not, this subsection should be amended to clearly state the Department’s intent.

Second, under this subsection, must these standards be met immediately upon the arrival of the 26th dog, or will the establishment be given a specific period of time to come into compliance? If it must immediately be in compliance, facilities that are below the 26-dog threshold will have to comply with these requirements by default because they potentially could reach the 26-dog threshold within the calendar year.

One possible solution is to amend the regulation to require that any facility, which plans to meet or exceed the 26-dog threshold in year, must apply for a kennel license at least 30 or 60 days (the regulation can specify a time period that the Department determines to be sufficient) before the date when it will meet the statutory minimum.

Third, what is the impact of this subsection and Subsections (a)(3)(iii) and (iv) on private homes? Given the statutory definitions of “nonprofit kennel” and “private kennel,” it appears to be the intent of the Law that any residence or home that meets or exceeds the 26-dog limit in a year must obtain a kennel license. Hence, people, including volunteers in rescue organizations, who keep 26 or more dogs at their homes, need to obtain kennel licenses.

However, what is not clear is the authority of the Department to treat each “temporary home” as a “separate kennel location” when these homes do not have 26 or more dogs in a year. Furthermore, what authority does the Department have to inspect homes or places that do not meet or exceed the 26-dog limit? It is also unclear how the licensure provisions would cover a rescue network organization, which does not have a central kennel facility for housing dogs, but coordinates the assignment to separate foster homes of more than 26 dogs or puppies in a year. If none of the foster homes in the network kept 26 or more dogs in a year, what authority would the Department have to inspect any part of the network?

We understand the Department’s need to monitor dogs that kennels or rescue networks may transfer to foster homes or temporary homes. However, the Department should work with stakeholder groups from kennels, shelters operated by local Humane Societies or Societies to Prevent Cruelty to Animals (SPCAs), and rescue networks, to develop a workable system that achieves the Department’s objectives.

Subsection (a)(5)

We have four concerns with this subsection.

First, we agree with Representatives Bastian, Boback, Keller and Fleck who suggested that the Department replace the word “dispersed” with the term from the Law, “dispensed.”

Second, the terms “stray dog” and “rescued dog” used in Subsection (a)(5) should be defined in the final-form regulation.

Third, this subsection should clearly state where records must be held. Must they be kept at the kennel or, for facilities with multiple locations, may they be kept at a central location?

Finally, do the requirements of this subsection apply to dogs that are bred internally and are not intended to be transferred to another location?

Subsection (a)(5)(iii)(B)(III)

This subsection requires a kennel to record the “. . . organization, agency or person that last owned the dog . . .” How would the kennel know who owned a stray dog in every instance? What if the dog does not have a collar, microchip or other identifying information? How does this affect shelters and Humane Societies who are expected to accept dogs with no questions asked?

Subsections (a)(5)(vii)(C) and (D)

The information required under these subsections should not be applied to boarding kennels that are returning a dog to its owner.

Subsection (a)(5)(vii)(D)

Commentators assert that the only veterinary record that matters is the current vaccination status of the dog and a certificate indicating the dog is in sound health at the time of surrender to the kennel. We agree.

Subsection (b)

This provision raises numerous questions. How can a kennel know if the other kennel is licensed in all cases? How are they to know if the other kennel is supposed to be licensed if they do not deal with 26 or more dogs in one year? How are shelters or rescue groups, that receive dogs at random, supposed to determine where a dog came from in all cases? In addition, shelters or rescue groups often provide shelter for dogs from places that are operating with suspended or revoked licenses or without any licenses at all. Where will these dogs go if the shelters cannot take them due to this provision? Will research facilities in Pennsylvania be prevented from sharing dogs with out-of-state research facilities?

Further, the commentators feel that it is not the responsibility of consumers to enforce compliance with the law. We agree. The Department should amend this section to eliminate the requirement that kennels verify that every kennel they deal with is licensed. Another alternative would be to require that kennels report such incidents if they are aware of them.

Subsection (c)

Under this subsection, a kennel must ensure that the dog entering the Commonwealth is accompanied by a health certificate and must keep a copy of that certificate in its records. What must the kennel do in circumstances when a dog does not have a health certificate, such as when dogs are seized out-of-state and brought to a rescue kennel or humane society in the Commonwealth?

Also, PFDC questions how recently the health certificate must have been issued.

This should be clearly stated in the final-form regulation. This section also requires that the dog with the health certificate be at least seven weeks of age and be vaccinated for rabies in accordance with the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P. S. §§ 455.1—455.12). Under Section 455.8(a) of the Rabies Prevention and Control in Domestic Animals and Wildlife Act, dogs are required to be vaccinated when they are over three months of age. The Pennsylvania

Professional Pet Breeders Association (PPPBA) questioned whether Subsection (c) is now requiring that dogs be vaccinated at seven weeks of age if they are being transported into the state or at over three months pursuant to state law. If it is the former, the Department needs to explain its authority for lowering the minimum age for vaccination. Either way, the provision needs to be clarified.

6. Section 21.21. Dog quarters.—Need; Reasonableness; Implementation procedure; Clarity.

The Pennsylvania Farm Bureau (PFB) stated that this section lacks a clear definition of “indoor facility” and “outdoor facility.” The Department should clarify these terms in the final-form regulation. In addition, this section includes statements about the following subjects:

- “sanitary conditions” and “readily sanitized.”
- standards for “primary enclosures” and other kennel facilities.
- drainage standards including “adequate drains and gutters.”

All these subjects are addressed in other sections. In the final-form regulation, the Department should streamline provisions to increase clarity and allow for easier implementation.

Subsection (d)

PPPBA, PFB and PFDC raised questions with this subsection. They stated that commercially produced exits are built to ensure that the entryway and exit is as tall as the dog’s shoulder. Would the Department consider this to be “unfettered clearance” out of an enclosure?

Also, PFDC asserts that this subsection is inconsistent with Subsection (e). It questions how a dog can have unfettered clearance out of a cage if it is stacked and recommends that cages not be stacked. Is there a way for a dog to have “unfettered clearance” out of an enclosure if the cages are stacked?

Subsection (e)

We have four concerns dealing with this subsection.

First, the Department should insert language that establishes the procedure for obtaining Department approval for an “other device approved by the Department.”

Second, can the Department’s intended goals be accomplished by permitting the stacking of cages? Some commentators suggested that the stacking of primary enclosures should be prohibited under this subsection.

Third, the SDDC also expressed concern as to whether its members could continue to use “airline style” crates for housing their dogs at hunting events and field trials?

Finally, does the Department anticipate any conflict between the trays, walls or partitions required in this section and the air flow requirements elsewhere in the proposed regulation? PPPBA and PFB stated that the requirements in this subsection would negatively impact the air flow requirements in Section 21.26, by restricting cross ventilation.

7. Section 21.22. Housing.—Need; Reasonableness; Clarity.

This is another example of an area that could be improved through reorganization of Chapter 21. The subject matter of this section is more related to the health and safety of dogs rather than “housing.”

Subsection (d)

PFDC questions what qualifies a dog as a puppy and further states that the American Kennel Club considers any dog less than one year of age to be a puppy. The Department should define “puppy” in the final-form regulation.

Also, commentators questioned why this subsection does not include a provision similar to Subsection (e) that allows for a release by the treating veterinarian. The Department should state why it includes a quarantine of 14 days for puppies when there is no specific quarantine period for dogs in Subsection (e).

8. Section 21.23. Space.—Need; Reasonableness; Consistency with other regulations; Clarity.

This is another existing section in Chapter 21. It is entitled “Space” and contains standards for “primary enclosures” even though Section 21.24, which is entitled “Shelters,” also contains provisions related to “primary enclosures.” Provisions for “primary enclosures” should be located in one section. We also question why the exercise requirements in Subsection (e) are in this section. For clarity, the Department should consider putting the requirements and standards for exercise into a separate section.

Subsections (a), (b) and (e)

These subsections deal with space requirements in primary enclosures and exercise requirements. Commentators, including legislators, raised numerous concerns with these subsections. In particular, the amendments to Subsection (b) relating to floor space generated concerns regarding fiscal impact. The proposed regulation doubles the floor space and requires exercise time for dogs. In contrast, the federal regulations require additional floor space only if dogs are housed individually and do not have the opportunity for regular exercise. As stated above, the Department needs to explain the “compelling” reason for exceeding the federal requirements. What is the scientific or accepted animal husbandry basis for the new provisions in this section? This provision could also create difficulties for rescue organizations or foster homes that keep dogs in crates for a few hours during each day.

Subsection (e)

The Pet Industry Joint Advisory Council and members of the General Assembly questioned why the existing language granting space exemptions for certain pet shop kennels is being deleted. This is not specifically addressed in the Preamble. The Department should provide a clear explanation when it submits the final-form regulation.

Also, commentators expressed extensive concerns on the exercise provisions contained under this subsection. How did the Department choose 20 minutes as the amount of time a dog needs for exercise on a daily basis? How can facilities comply with these requirements during times of inclement weather? Did the Department consider requiring exercise to be tailored to the dogs and the conditions under which the exercise takes place? Were other methods of achieving exercise for dogs considered? Did the Department consider that different breeds of dogs require different types of exercise or exercise might include running on grass or near water? How is it inhumane to exercise a 35 pound dog with a 36 pound dog? Has the Department considered adding a waiver from the provisions of Subsection (e)(iii) for dogs of the same owner that are taken to a boarding kennel or doggie day care? Under Subsection (e)(iv), why is the Depart-

ment the entity that gives an exemption from exercise for a dog? Wouldn't it be more appropriate for a veterinarian to do so?

If this subsection remains unchanged, we have three concerns.

First, Subsection (e)(ii)(B) is one of the first provisions to refer to fencing in the proposed regulation. This subsection begins with this standard: “Fencing must be adequate to prevent dogs from escaping from the exercise area...” There are no requirements for fencing in the existing provisions in Chapter 21. What is “adequate”? Dogs can find ways over, around, through or under a fence. Who will determine what is adequate to prevent dogs from escaping?

Second, Subsections (e)(iii)(A)—(D) delineate exercise areas for different sizes of dogs. Subsection (e)(iii)(D) is the only one that mentions “giant sized dogs” which are a separate category from “large” dogs. At the end of this subsection, it states that these dogs may not be put in the same exercise area with dogs from the other three categories. Subsections (e)(iii)(A), (B) and (C) exclude only two of the other categories but fail to mention “giant” dogs. For consistency, the term “giant” needs to be added to the end of Subsections (e)(iii)(A), (B) and (C).

Finally, under Subsection (e)(v), how long must a kennel operator maintain the daily records of exercise for each dog? To be consistent with proposed Section 21.14(a)(5) and Section 207(c) of the Law, which requires other kennel records to be maintained for two years, the Department should add a timeframe for maintaining records to this section.

9. Section 21.24. Shelter, housing facilities and primary enclosures.—Consistency with other regulations; Need; Reasonableness; Clarity.

In the proposed regulation, this section is entitled as “Shelter, housing facilities and primary enclosures.” However, extensive amendments to this section cover subjects related to “outdoor housing facilities.” This is another area that should be reorganized.

Subsection (b)

Under Subsection (b), how was the 50 degree temperature threshold for newborn or very young pups determined? PFDC states that this is too low for young dogs. The Department needs to reexamine this requirement and amend or delete it from the final-form regulation.

Subsection (b)(1)

Representatives for both dog rescue organizations and the commercial breeders have criticized this subsection as vague, subjective and unhelpful. Subsection (b)(1)(iv) is lengthy and confusing. The Department needs to delete or clarify the provisions under Subsection (b)(1) in the final-form regulation.

Subsection (b)(2)

This subsection contains contradictory provisions. How can exercise areas have both a “flat and level surface” and a 1/8 inch slope? The Department should amend this language to be consistent.

Also, other commentators have suggested that this subsection is too prescriptive and does not permit other methods of obtaining the goal. How did the Department determine the slope requirements contained in this provision? A similar concern also applies to Subsections (a)(3), (b)(8) and (f)(11)(vii).

Subsection (b)(4)

PFDC indicated that the requirement for dry bedding at all times is unreasonable. What happens if a dog is playing in the rain or decides to mark his territory? Would the operator be in violation without first having an opportunity to correct the situation? A similar concern applies to Subsection (b)(6)(iv).

Subsection (b)(6)(iv)

PPPBA and PFDC question what the Department means when it requires "additional clean and dry bedding." For clarity, the Department should amend the language in this subsection to plainly state an achievable standard.

Subsection (b)(7) and (b)(8)

Both Subsections (b)(7) and (b)(8) consist of long and confusing paragraphs. If they are retained in the final-form regulation, they should be rewritten and reformatted as enumerated lists to clarify the Department's objectives.

Subsection (b)(9)

This subsection contains one sentence: "Outdoor facilities must be fenced and be constructed to minimize or prevent vermin, animal, insect and pest infestation and other vectors of disease." It is unclear what type of fencing would meet this requirement. Does the Department plan to offer guidance to licensees so that they know when their outdoor facilities meet these criteria?

Subsection (b)(10)

How did the Department determine the standard of cleaning these facilities every 24 hours?

Subsection (b)(11)

Commentators question the Department's determination that grass runs and exercise areas, under this subsection, create inhumane conditions for the dogs. They claim that this provision has no basis in proper animal husbandry practices, serves no purpose and would be difficult to implement. It is a major concern for rescue groups and smaller breeding kennels that are raising and training dogs to be pets in homes with grass lawns. It may also create a major problem for sporting groups that engage in hunting events or field trials. The Department should explain why it is inappropriate for dogs to exercise on grass surfaces.

Subsection (c)

There were several comments on this subsection dealing with tethers. The USDA eliminated tethering from its regulations in 1997. Under current federal rules, only temporary tethering of a dog due to health or other reasons is permitted and the licensee must first obtain approval of the Animal and Plant Health Inspection Service. When it first proposed this approach in 1996, the USDA asserted:

Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury. [*Federal Register*, July 2, 1996, 61 FR 34387]

The proposed regulation would allow a dog to be attached to a primary enclosure by a tether. Why are tethers used? How long or frequently is a dog attached to a tether? Is it necessary? Why would the reasons for the

federal prohibition not apply to dogs in Pennsylvania? The Department should explain its rationale for retaining provisions for tethering in Chapter 21.

Existing Subsection (d)

Several groups and individuals, including members of the Dog Law Advisory Board and a veterinarian who is also a professor of behavioral medicine, expressed the opinion that the Department should not allow kennels to use metal strand or wire floors. Commentators offered research and other evidence that such flooring causes harm to dogs and their offspring. The Department should explain why it is retaining provisions that enable kennels to use metal strand or wire floors in primary enclosures.

Subsections (f)(5) and (7)

PSBR stated that these subsections are unreasonable because many facilities hold trash, waste and dead animals in a designated area or room in the "housing facility," but is separate from animal holding areas. It contends that this method would be prohibited if these rooms were emptied on an as-needed-basis and not necessarily every day. Compliance with the new standard would be costly and burdensome. It further suggests that if the intent is to merely keep contaminated materials separated from the dogs, then the Department should use more accurate language than "housing facility." We agree.

Subsection (f)(8)(ii)

Commentators expressed concern with the clarity of the term "housing facility" contained in this subsection. They asked if this is intended to mean the immediate area in which the dogs are housed or the entire facility. The Department should define this term and use it consistently throughout the regulation.

Subsection (f)(9)

PSBR questioned if all animal husbandry procedures will be required to use potable water. Since some procedures that can be done safely with non-potable water, the Department should explain what types of water are permitted to be used for certain procedures.

Subsection (f)(11)

The Humane Society of the Harrisburg Area (HSHA) stated that this subsection would single-handedly put it out of business because of the cost entailed in replacing its drainage system. Are there other ways to accomplish the Department's goal without imposing such burdensome requirements on the regulated community?

Subsections (f)(11)(i) and (f)(16)

These subsections use the vague term "adequate." This term should be replaced with language that will clearly guide licensees.

Subsection (f)(11)(ii)

Numerous commentators, including legislators, asserted that six inch drains are not needed in all instances in order to accomplish adequate drainage, and construction that would bring facilities into compliance with the proposed regulation would be costly. The Department should amend this subsection to allow various types of drainage to accomplish its intended goal. A similar concern applies to Subsections (f)(11)(iii) and (iv).

Subsection (f)(11)(v)

PSBR stated that sanitizing drains on a daily basis is not required to maintain the health of animals. Unless the Department has evidence to support its position, this requirement should be deleted.

Also, PSBR questions why flushing can only be done with potable water. Has the Department considered allowing the use of grey water, which is environmentally friendly?

Subsection (f)(15)

PFDC declared that this subsection is not reasonable in a licensed kennel in a home environment because such chemicals might be stored in a kitchen. The Department should consider providing an exception for such facilities.

Subsection (f)(16)

Commentators, including legislators, question what the need is for washing areas to specifically be required. This should be clearly explained in the final-form regulation.

Subsection (f)(18)

Commentators differed on the frequency of the sanitization of kennel facilities. The Department should explain the rationale for sanitation every 24 hours.

10. Section 21.25. Temperature control.—Need; Reasonableness; Clarity.

PPPBA and PFB suggested that the kennel's veterinarian determine and approve the temperature ranges mentioned under this section. We agree. This also applies to Sections 21.26, 21.27, 21.28 and 21.29.

Also, a commentator questioned what constitutes "outdoor and sheltered housing facilities." These terms should be defined in the final-form regulation.

Subsection (c)

Does the Department intend to prohibit the use of ventilation for cooling under this subsection?

Also, do the requirements of this subsection apply only to indoor facilities or do they also include outdoor facilities? This should be clearly stated in the final-form regulation.

Subsection (d)

Commentators have suggested that this subsection is too prescriptive, does not permit radiant heating and does not establish healthy standards for dogs. How did the Department determine the slab temperature requirements contained in this provision? Further, the Department should permit alternate types of heating sources, such as radiant heat.

11. Section 21.26. Ventilation in housing facilities.—Need; Reasonableness; Clarity.

Commentators, such as PFDC and HSHA, assert that this entire section is filled with engineering standards that are needlessly technical and confusing. We encourage the Department to simplify these requirements so they are easily understood by all members of the regulated community.

Subsection (a)

PFB stated that the term "Sheltered housing facility" is unclear and should be defined. We agree.

Commentators assert that Subsections (a)(1), (2), (3) and (4) are overly prescriptive, unclear and should be deleted. Further, they state that there are other methods available to accomplish the Department's intent. The Department should explain the rationale behind these provisions.

Subsection (a)(2)

The American SPCA suggested that this subsection should be amended to require 12-15 air changes per hour.

How did the Department determine that the rule for six air changes per hour is appropriate?

Subsection (a)(4)

Why is a storage building required to have a ventilation system?

Subsection (a)(5)

PSBR asserted that the second sentence of this subsection is unreasonable for research facilities. These facilities are designed without windows for security, biosecurity and scientific reasons. They further stated that, for instances where systems malfunction, these facilities have a redundant system in place to ensure ventilation. We suggest that research facilities be exempted from this requirement.

Subsection (b)

How can outdoor facilities be required to have ventilation and cooling?

12. Section 21.27. Lighting and electrical systems.—Reasonableness; Clarity.

We have three concerns with this section.

First, how can people who operate their kennels in their homes comply with Subsection (a)(1), with regard to lighting levels? How did the Department determine the lighting levels contained in this subsection?

Second, under Subsection (a)(2), it is not apparent whether lighting must be available to see the dogs outside at night or if the outside area must be illuminated all night.

Finally, PSBR suggested that in Subsection (b) facilities should be held to the building code that was in place at the time that they were constructed or renovated. Has the Department based these standards on existing building codes?

13. Section 21.28. Food, water and bedding.—Need; Reasonableness; Clarity.

Commentators have offered several suggestions on this section, such as maintaining the current language on the frequency of providing water to dogs and the sanitization of self-waterers and self-feeders. How did the Department determine that the standards contained in the proposed regulation would best benefit dogs?

Another concern with format and structure is the opening paragraph of this section which reads:

Contagious diseases, including infectious canine hepatitis, leptospirosis and parvovirus are spread through the urine of dogs and rats and stools, vomit and urine of dogs. To protect the health, safety and welfare of dogs housed in kennels, the cleaning and sanitation requirements in this section shall be followed.

Because this narrative does not set forth any new specific requirements or standards for kennels, it belongs in the Preamble. The same clarity concern applies to the new opening paragraph for Section 21.29 relating to sanitation.

14. Section 21.29. Sanitation.—Reasonableness; Clarity.

Subsection (1)

PFDC questioned whether this subsection would include the entire house, if it is a home-based kennel, when it uses the term "all interior surfaces." This should be clearly explained in the final-form regulation.

Subsection (4)

This subsection requires that stool be removed from the kennel runs "as often as necessary." The same subsection requires stool to be removed from primary enclosures on a daily basis. Why not use the same standard for both runs and enclosures? Should both be cleaned whenever they are soiled?

Subsection (7)

Must the veterinarian approval be in writing?

15. Section 21.30. Condition of dog.—Reasonableness; Clarity.

PPPBA and PFDC stated that there are times when a dog shows signs of infectious or contagious disease, but is being treated for that condition. Consequently, they suggested that this section be amended to permit dog wardens to order veterinary checks only when the operator cannot provide proof of adequate, ongoing medical care. We agree.

16. Section 21.41. General requirements.—Clarity.*Subsection (c)*

This subsection states that records shall be provided to the Department upon request. Will this request be written? What timeframe will the kennel be given to supply the records?

Subsection (e)(3)

PSBR indicated that the time is not typically noted in veterinary care records except for certain medications, such as analgesics. The time of veterinary care, under Subsection (e)(5), is also not typically noted. Why has the Department required that these times be recorded?

It further asserts that the information required by Subsections (e)(3), (4), (5) and (7) are already part of the veterinary record and are not needed as separate items. Why is the Department requiring these items to be separately recorded if they are readily available in the veterinary record?

17. Section 21.42. Bills of sale.—Need; Reasonableness; Clarity.

Regarding Subsection (b), commentators expressed concern that it will be extremely difficult for an operator to know whether the other person in a dog transaction should be licensed as a kennel. They further state that unless the kennel has purchased, sold or transferred 26 or more dogs in a calendar year to the individual, it is impossible to know if the person is required to be a licensed facility. We agree. The Department should clearly state how it intends kennel operators to know that they are dealing with an unlicensed kennel.

Also, the Department should explain how it is reasonable for this provision to be applied to shelters and rescue groups. These types of kennels often receive dogs randomly, sometimes without knowing where they came from.

18. Kennel employees.—Consistency with other regulations; Need; Reasonableness; Clarity.

Currently, there is no provision in Chapter 21 relating to employees or staffing at kennels. However, the federal regulations at 9 CFR 3.12 set forth this requirement:

Each person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) maintaining dogs and cats must have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide for husbandry

and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

The Department should seek input from stakeholders representing the different types of kennels and experts in animal behavior on what would be the appropriate ratio of employees per number of dogs and include the minimum staffing levels in the final-form regulation.

19. Section 23.6. Stray dogs.—Clarity.

This section uses the terms "grant recipient," "releasing agency" and "agency releasing the dog." It appears that these are one in the same. If this is the case, a consistent term should be used throughout the section.

20. Section 25.2. Dog Disposition Record.—Clarity.

Subsection (2) requires that a form be completed by the enforcement officer and held on file by the kennel. The final-form regulation should specify how long a kennel must retain this form.

21. Section 25.3. Claims for fees.—Need; Reasonableness; Clarity.

This section starts with the phrase "The Department will develop a reimbursement form . . ." The Department should both develop the actual form and change the language to reflect this in the final-form regulation or delete the language altogether.

Subsection (2) references the Department's website in Section 21.13. However, no website address is listed in the contact information in that section. We recommend the Department add the website address to Section 21.13.

**Department of Corrections Regulation
#19-9 (IRRC #2590)**

State Intermediate Punishment

April 18, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the February 17, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Corrections (Department) to respond to all comments received from us or any other source.

1. Section 97.102. Definitions.—Consistency with statute; Clarity.*DOTP—Drug Offender Treatment Program*

The statute (42 Pa.C.S.A. § 9903) references "... the terms and conditions listed in section 9905 (relating to drug offender treatment program)." In the regulation, the Department added language to replace the statutory cross-reference to "Section 9905." However, the language added to the regulation does not fully encompass the statute. We recommend that the regulatory definition fully reflect the statute.

Eligible offender

The phrase "Subject to section 9721(a.1) (relating to sentencing generally)," in the statutory definition (42 Pa. C.S.A. § 9903) was omitted in the regulation. Again, we recommend that the regulatory definition fully reflect the statute.

2. Section 97.103. Commitment for assessment.—Need; Protection of the public health, safety and welfare.

Nonregulatory language

The last sentence of Subsection (a) states, "The court is encouraged to order a presentence investigation at or prior to the time the inmate is committed for evaluation." This is nonregulatory language and is unenforceable. Regulations establish binding norms of general applicability and future effect. Therefore, we recommend deleting this sentence from the regulation.

"Current or previously administered medications"

Paragraph (b)(6) requires "A notice of current or previously administered medications." The Department should address three concerns with this phrase. First, the word "or" should be replaced with the word "and" to ensure a full history of medications. Second, it is not clear what is required by the notice of "previously administered" medications. How far back must this history go? Finally, does "medications" include just prescription medication or over-the-counter medications such as aspirin?

3. Section 97.104. Assessment of addiction and other treatment needs.—Protection of the public health, safety and welfare; Clarity.

Vague phrases

There are several vague phrases in subsection (a). Specifically, we have the following concerns:

- What "Nationally recognized assessment instrument" does the Department find acceptable?
- What procedures will the Department find acceptable to meet the requirement for an instrument to be "normed and validated on the Department's inmate population"?
- What qualifications does the Department require for a person to be a "recognized expert in those matters"?
- What qualifications does the Department accept for "persons skilled in the treatment of drug and alcohol addiction and trained to conduct assessments"?

We recognize that these phrases are in the statute (42 Pa.C.S.A. § 9904(b)(1)). However, the regulation should identify the Department's interpretation of the specific types of certification, licensure, education, degrees, or experience necessary to meet these requirements.

Cross-reference

Subsection (d) states, in part, that "The act provides that the court may not modify or alter the terms of the Department's proposed DOTP without the agreement of the Department and attorney for the Commonwealth." A cross-reference to 42 Pa.C.S.A. § 9904(f) should be added.

4. Section 97.113. Treatment sanctions.—Clarity.

"Or other drugs"

Subsection (a) triggers proceedings for a participant who tests positive for the use of alcohol "or other drugs . . ." This provision is unclear because there are

many classifications of drugs such as over-the-counter drugs, prescription drugs and illegal drugs. The regulation should specify what "other drugs" will trigger proceedings.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-763. Filed for public inspection April 27, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Conseco Senior Health Insurance Company 25% Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25% on several Long Term Care policy forms issued in the Commonwealth. The company is requesting a 25% increase on the following forms which were originally issued by American Travelers: ATL-LTC-1, ATL-LTC-3, ATL-LTC-6 and ATL-LTC-89. The company also is requesting a 25% increase on the following forms which were originally issued by Transport Life: 11001, 11006, 10955 and 10967. A total of 10,099 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to July 11, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-764. Filed for public inspection April 27, 2007, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, May 3, 2007, at 9 a.m. in Hearing Room 1 of the North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit www.attorneygeneral.gov for more information and to view a copy of the complete agenda.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 07-765. Filed for public inspection April 27, 2007, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, May 8, 2007, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Interim Administrator

[Pa.B. Doc. No. 07-766. Filed for public inspection April 27, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Extension of the Fuel Cost Recovery Surcharge Special Permission 28207

Public Meeting held
April 13, 2007

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

Order

By the Commission:

Tristate Household Goods Conference, Inc., (Tristate) a tariff publishing agency, represents approximately 275 PUC household good carriers. Substantially large increases in the cost of diesel fuel, which were unanticipated, motivated Tristate to request the implementation of the Fuel Cost Recovery Surcharge. The Fuel Cost Recovery Surcharge Special Permission 28207 was approved in Public Meeting held April 17, 2003, extended in Public Meeting held April 15, 2004, and extended again in Public Meeting held April 7, 2005. The extension was approved for duration of 1 year unless changed, cancelled or extended. The current surcharge grants approval to temporarily increase the Tristate tariff to recover temporarily increased fuel costs when transporting household goods for moves more than 40 miles (weight and distance)

and moves that are 40 miles or less (hourly) by the use of a Fuel Cost Recovery Surcharge.

The surcharge is determined by a formula which attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel¹; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.²

Moves of 40 miles or less will be divided into 4 categories according to average mileage: 5 mile average for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles, and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows³:

Origin of move to destination 8 miles	= 5 miles average
Terminal factor	= 40 miles
Total miles	= 45 miles
Average miles per gallon	= 5
Fuel used	= 9 gallons
DOE current Fuel Price as of 3/17/03	= \$1.949
Base fuel Price	= \$1.267
Fuel price difference	= \$.682
Gallons × Fuel price difference	= 9 × .682
	= \$6.14

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

Origin of move to destination	= 100 miles
Empty Return (dest. to origin)	= 100 miles
Terminal factor	= 40 miles
Total miles	= 240 miles
Average miles per gallon	= 5
Fuel used	= 48 gallons
DOE current Fuel Price as of 3/17/03	= \$1.949
Base fuel Price	= \$1.267
Fuel price difference	= \$.682
Gallons × Fuel price difference	= 48 × .682
	= \$32.75

On February 6, 2007, Tristate filed a request to again extend the Fuel Cost Recovery Surcharge. The request was filed in response to the volatile nature of the petroleum market, which continues to produce unanticipated increases in diesel fuel prices.

In support of the request for extension, Tristate has submitted data from the Department of Energy for the

¹ The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date.

² This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

³ All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.

Central Atlantic Region. The average price of diesel fuel for the period of January 2006 to December 2006 was \$2.81 per gallon. During that time, prices ranged from \$2.59 per gallon to \$3.10 per gallon.

Additional support for an extension can be found in the March 14, 2007 edition of *Short Term Energy Outlook*, in which the Department of Energy reported that several factors will result in continued price fluctuations in the market. Instability in the relations with OPEC nations has kept the prices of crude at a high level. Demand was also increased as a result of greater need for home heating oil.

The Federal Department of Transportation has responded to the escalating fuel costs for interstate transportation by approving a fuel surcharge on a similar sliding scale. The Federal Fuel Surcharge became effective May 15, 2000, and continues in effect.

Under 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. Additionally, the Pennsylvania Public Utility Commission (Commission) is obligated to address industry-wide problems "without creating a chaotic rate structure impossible to manage or police." *Emergency Fuel Surcharge*, 47 Pa. P.U.C. 389,391 (1974). The current surcharge addresses the problem of rising fuel costs, while being just and reasonable in that carriers are compensated only for the additional cost of the fuel used.

Based on our review, it appears that the extension of the Fuel Cost Recovery Surcharge for transportation of household goods is necessary and is an appropriate means to address this regulatory problem and will result in just and reasonable rates. In order to prevent financial hardship it is imperative that Pennsylvania household goods carriers be afforded an opportunity to temporarily adjust rates to offset escalating fuel costs using the proposed extended Fuel Cost Recovery Surcharge and, accordingly, we shall allow the proposed extended surcharge to become effective for a period of 1 year unless changed, cancelled or further extended. *Therefore*,

It Is Ordered That:

1. Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over 40 mile charges and for 40 miles or less hourly charge in accordance with all other tariff rules of this Commission. The Fuel Recovery Surcharge is to be extended effective April 18, 2007.

2. The Extended Fuel Recovery Surcharge shall be in effect for 1 year to April 18, 2008, unless changed, cancelled or further extended by the Commission.

3. Copies of this order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Extended Fuel Cost Recovery Surcharge along with the original Fuel Cost Recovery Surcharge dated April 17, 2003, in a conspicuous place. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers.

5. The rates collected to the Extended Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this order, and are successful in challenging the surcharge.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-767. Filed for public inspection April 27, 2007, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 21, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00123647. Carol M. Wood (1640 Fiat Street, Pittsburgh, PA 15210)—certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the County of Allegheny, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-00123650. Langhorne Cab Co., Inc. (71 Durham Road, Penndel, PA 19047)—certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand service, from points in Fairless Hills, Falls Township, Levittown, Makefield Township, Morrisville, Tullytown, and Yardley, all within Bucks County.

A-00123661. Russel L. Reynolds, t/a R. L. Reynolds Amish Hauling (8635 SR 405, Milton, Northumberland County, PA 17847)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the township of Turbot, Northumberland County and within an airline radius of 50 statute miles of the limits thereof, to points in Pennsylvania, and return.

A-00123663. Bonnie Lynn Peters (2880 Stumptown Road, Ronks, Lancaster County, PA 17572)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the county of Lancaster, to points in Pennsylvania, and return.

A-00123665. Butler Ambulance Service, Co. (106 First St., Butler, PA 16001)—certificate of public convenience to begin to transport, as a common carrier, persons in paratransit service, from points in the County of Butler, to points in Pennsylvania, and return.

Applications of the following for approval to begin operating as a broker for transportation of persons as described under each application.

A-00123649. 2 Sisters Travel, Inc. (1846 Homeville Road, West Mifflin, PA 15122)—for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-768. Filed for public inspection April 27, 2007, 9:00 a.m.]

Telecommunications

A-310554F7003. Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company and RCN Telecom Services, Inc. Joint petition of Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company and RCN Telecom Services, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company and RCN Telecom Services, Inc., by its counsel, filed on April 11, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company and RCN Telecom Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-769. Filed for public inspection April 27, 2007, 9:00 a.m.]

Transfer of Control

A-140000F0003. Laurel Pipe Line Company, LP. Application of Laurel Pipe Line Company, LP for approval of the transfer, by sale, of all of the equity interests in Mainline Management, LLC, which transaction will constitute a Transfer of a "Controlling Interest" as defined by 52 Pa. Code (relating to public utilities).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code on or before May 14, 2007. 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.

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: Laurel Pipe Line Company, LP

Through and By Counsel: David B. MacGregor, Esquire, Andrew S. Tubbs, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808 and Howard L. Meyers, Esquire, Kenneth M. Kulak, Esquire, Morgan, Lewis and Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-770. Filed for public inspection April 27, 2007, 9:00 a.m.]

Transmission Lines

A-110172; A-110172F0002; A-110172F0003; A-110172F0004; G-00071229. Trans-Allegheny Interstate Line Company (TrAILCo). Application of Trans-Allegheny Interstate Line Company (TrAILCo) for approval to locate and construct three 138 kV transmission lines, one 500 kV transmission line and related facilities, collectively, the Trans-Allegheny Interstate Line (TrAIL), in portions of Washington and Greene Counties, PA. In addition, the applicant asks the Pennsylvania Public Utility Commission (Commission) to grant to TrAILCo: 1) an exemption from municipal zoning regulation with respect to the construction of buildings; 2) authority as a public utility in this Commonwealth; 3) authorization to exercise certain eminent domain authority in this Commonwealth; and 4) approval of certain arrangements between TrAILCo and an affiliated utility, West Penn Power Company, needed to facilitate the siting and construction of TrAIL.

Formal protests and petitions to intervene must be filed on or before May 29, 2007, 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 and a copy provided to the administrative law judge. 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: Trans-Allegheny Interstate Line Company (TrAILCo)

Through and By Counsel: W. Edwin Ogden, Esquire, Alan Michael Seltzer, Esquire, Ryan, Russell, Ogden & Seltzer, PC, 1150 Berkshire Boulevard, Suite 210, Wyomissing, PA 19610-1208

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-771. Filed for public inspection April 27, 2007, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Nina Magagnotti Recupero, LPN; Doc. No. 0242-
51-2007**

On March 9, 2007, Nina Magagnotti Recupero, LPN, of Kittanning, Armstrong County, was suspended for up to 1 year, based on her violation of the Controlled Substance, Drug, Device and Cosmetic Act.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

MARY E. BOWEN, R. N., CRNP,
Chairperson

[Pa.B. Doc. No. 07-772. Filed for public inspection April 27, 2007, 9:00 a.m.]
