

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, September 26, 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 in West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:15 a.m. Topics of discussion will include a status report by staff of the United States Army Corps of Engineers (USACE) and Commission on the study entitled "Multi-Jurisdictional Use and Management of Water Resources for the Delaware River Basin"; a report on the status of Basin Plan implementation; a presentation by staff of the USACE on a groundwater model for northern Delaware; a presentation on a proposal for permanent designation of the Lower Delaware River as Special Protection Waters; and a report on the status of the proposal for a Flexible Flow Management Program.

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

1. *Forest Park Water (North Penn and North Wales Water Authorities) D-65-76 CP-10.* An application for the renewal of a project to continue to discharge up to 2 million gallons per day (mgd) of treated backwash water from the potable water treatment plant to Pine Run, a tributary of North Branch Neshaminy Creek. No expansion of the water treatment process or the wastewater treatment plant (WWTP) backwash is proposed. The project will continue to serve portions of Bucks and Montgomery Counties, both in this Commonwealth. The project is located in the nontidal portion of the Neshaminy Creek Watershed in Chalfont Borough, Bucks County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Abington Township D-73-191 CP-2.* An application for approval of an upgrade of the Abington Township WWTP. The application is for the addition of biological nutrient removal, the addition of a 750,000 gallon equalization tank and associated upgrades for wet-weather flow conditions. The WWTP will continue to discharge 3.91 mgd as an annual average flow to the Wissahickon Creek, a tributary to the Schuylkill River. The project is located in Upper Dublin Township, Montgomery County, PA.

3. *Pennsgrove Water Supply Company D-93-77 CP-3.* An application to replace the withdrawal of water from Well No. 11 in the applicant's water supply system with no increase in the total withdrawal. The existing Well No. 11 has become an unreliable source of supply. The total withdrawal from replacement Well No. 11A and all other wells will remain limited to 70.4 million gallons per 30 days (mg/30 days). The project is located in the Potomac-Raritan-Magothy Formation in the Delaware River Watershed in Pennsgrove Borough, Salem County, NJ.

4. *Westwood Golf Club, D-96-3-2.* An application for the renewal of a groundwater withdrawal project to continue

withdrawal of 5 mg/30 days to supply the applicant's golf course from existing Wells Nos. 2 and 3 in the Englishtown Aquifer. The project is located in the Lower Delaware Watershed in West Deptford Township, Gloucester County, NJ, in New Jersey Critical Water Supply Area 2.

5. *William Henry Apartments D-68-92-2.* An application for approval of upgrades of the existing William Henry Apartments WWTP to remedy operational issues. The WWTP will be modified to treat domestic wastewater at the hydraulic design of the facility, which is 69,000 gallons per day (gpd). The applicant's WWTP serves the William Henry Apartment complex and will continue to discharge to the headwaters of Ridley Creek. The project is located in East Whiteland Township, Chester County, PA.

6. *Aqua Pennsylvania, Inc. D-75-78 CP-2.* An application for the renewal of a groundwater withdrawal project to increase withdrawal from 3.6 mg/30 days to 8.3 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 2—4 and one spring in the Duncannon, Polar Gap and Packerton members of the Catskill Formation. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Van Auken Creek Watershed in Waymart Borough, Wayne County, PA, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

7. *Kiamesha Artesian Spring Water Company, Inc. D-90-68 CP-3.* An application for the renewal of a groundwater withdrawal project and to increase withdrawal from 9.8 mg/30 days to 27.78 mg/30 days to supply the applicant's public water supply distribution system from the existing Filtration Plant Well and Fraser Road Well and two existing but heretofore undocketed intakes in Kiamesha Lake. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Kiamesha Creek Watershed in the Town of Thompson, Sullivan County, NY, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

8. *Upper Gwynedd Township D-91-88 CP-3.* An application for the approval of the rerate of the Upper Gwynedd Township WWTP from 4.5 mgd to 5.7 mgd as an annual average flow. The docket holder has also requested a 6.5 mgd value for a maximum monthly flow and a hydraulic design capacity. The WWTP will continue to discharge to the Wissahickon Creek, a tributary to the Schuylkill River. The project is located in Upper Gwynedd Township, Montgomery County, PA.

9. *Lehigh County Authority D-2001-20 CP-2.* An application for approval of a groundwater withdrawal project to supply up to 30.94 mg/30 days of water to the applicant's public water supply distribution from new Wells A and B and to increase the existing withdrawal from all wells from 226 mg/30 days to 256.24 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Allentown, Jacksonburg and Beekmantown formations in the Schaefer Run, Little Lehigh Creek, Cedar Creek and Iron Run watersheds in Upper Macungie Township, Lehigh County, PA, within the drainage area to

the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

10. *Coolbaugh Township D-2006-23 CP-2*. An application for approval to upgrade and expand an existing WWTP from 0.052 mgd to 0.1 mgd by the addition of membrane filters to the existing membrane bioreactor. The addition of the membrane filters will improve treatment quality and detention time, so that no new tanks are required. The project is located in Coolbaugh Township, Monroe County, PA. The plant discharges to the Tobyhanna Creek in the Lehigh River Watershed, which is in the drainage area of the Lower Delaware River portion of the DRBC Special Protection Waters. The WWTP will continue to serve a portion of Coolbaugh Township only and will continue to discharge through the existing outfall, which is upstream from Francis E. Walter Dam and Pocono Lake. Coolbaugh Township is currently pursuing the beneficial reuse of the WWTP effluent for irrigation of a nearby golf course during the summer months.

11. *River Road Utilities, Inc. D-2006-38-1*. An application to approve the reconstruction and expansion of the existing Tuscarora WWTP. The discharge is proposed to increase from 49,000 gpd to 66,000 gpd and will continue to be to the Delaware River. The project is located in Upper Mount Bethel Township, Northampton County, PA discharges to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

12. *Wallace Township Municipal Authority D-2006-39 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 8.1 mg/30 days of water to the applicant's public water supply distribution system from new Wells Nos. PW-4, PW-6—PW-8. The project is located in the Granitic Gneiss Formation in the East Brandywine Creek Watershed in Wallace Township, Chester County, PA.

13. *East Brandywine Township Municipal Authority D-2007-2 CP-1*. An application for approval of a WWTP project to serve proposed residential development in East Brandywine Township, Chester County, PA. The proposed facility is designed to provide treatment of 0.3 mgd by means of sequencing batch reactor and tertiary filtration processes. The project is located at the intersection of East Reeceville and Bollinger Roads in East Brandywine Township. Following ultraviolet light disinfection, WWTP effluent will be discharged to a spray irrigation system of the proposed golf course and driving range, and, when necessary to a drip irrigation field.

14. *Forest Glen Estates, LLC D-2007-8-1*. An application for approval to discharge up to 33,750 gpd to a holding pond and subsequently through a spray irrigation system to irrigate 14.5 acres of woodlands. Wastewater will be generated from the applicant's proposed 134 one-acre single-family residential lots and an 18-acre existing homestead on a 313-acre tract. The project is located in the Dingmans Creek Watershed in Delaware Township, Pike County, PA.

15. *Vogel Farm and Broad Mountain Spring Water Companies D-2007-10-1*. An application for approval of a groundwater withdrawal project to supply up to 6.26 mg/30 days of water to the applicant's bottled water truck loading facilities from new Wells VFPW1, VFPW2 and BMPW1. The project is located in the Mauch Chunk Formation in the Quakake Creek Watershed in Packer Township, Carbon County, PA within the drainage area to

the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

16. *Hamlet of Bloomville—Community Wastewater Management Program D-2007-11 CP-1*. An application for approval to construct a centralized wastewater treatment system to serve the Hamlet of Bloomville, which is currently served by on-lot septic systems. Two 0.03 mgd septic tanks will be provided, but each will be typically operated at an average flow of 0.015 mgd, so that maintenance can be performed periodically without a disruption of service. The septic tank effluent will be pumped to sand filters prior to subsurface discharge to cut-and-fill adsorption leach beds. The project is located in the Wright Brook and West Branch Delaware River watersheds upstream from Cannonsville Reservoir in the Town of Kortright, Delaware County, NY, which is in the drainage area of the Upper Delaware River portion of the DRBC Special Protection Waters.

17. *Hamlet of Hamden—Community Wastewater Management Program D-2007-12 CP-1*. An application for approval to construct a centralized wastewater treatment system to serve the Hamlet of Hamden, which is currently served by onlot septic systems. Two 0.026 mgd septic tanks will be provided, but each will be typically operated at an average flow of 0.013 mgd, so that maintenance can be performed periodically without a disruption of service. The septic tank effluent will be pumped to sand filters prior to subsurface discharge to cut-and-fill adsorption leach beds. The project is located in the Launt Hollow Creek and the West Branch Delaware River watersheds upstream from Cannonsville Reservoir in the Town of Hamden, Delaware County, NY, which is in the drainage area of the Upper Delaware River portion of the DRBC Special Protection Waters.

18. *Wallace Township Municipal Authority D-2007-17 CP-1*. An application for approval to construct a 0.185 mgd WWTP to serve the proposed Hamilton development, located predominantly in Wallace Township, Chester County, PA. A small portion of the 636-acre site extends into West Nantmeal Township, also in Chester County. Approximately 688 residential dwellings and supporting commercial buildings will be served. Following advanced treatment in parallel sequencing batch reactors, the effluent will be filtered and disinfected by ultra-violet light prior to land application via drip irrigation. The proposed WWTP and drip irrigation fields are located north of the intersection of Fairview and Creek Roads in the East Brandywine Creek Watershed in Wallace Township. No discharge to surface waters is proposed.

19. *Dragon Springs Buddhist, Inc. D-2007-21-1*. An application for approval to construct a 11,000 gpd WWTP and discharge the effluent to a UNT of the Basker Kill, a tributary of the Neversink River. The discharge is located in the drainage area of the Middle Delaware Special Protection Waters. The project is located in the Town of Deerpark, Orange County, NY. The project WWTP will treat wastewater from a proposed multipurpose building, which will be constructed on 4.4 acres of forested land. The existing temple complex is served by septic systems that process less than 10,000 gpd. Several of these mound-type systems will continue to be used due to their remote location on the property and their efficient operation.

20. *Diamond Sand and Gravel, Inc. D-2007-27-1*. An application for approval of a groundwater withdrawal project to supply less than 3.1 mg/30 days of water to the applicant's sand and gravel plant from new Wells Nos. 1

and 2A. The project is located in the Leithsville Formation in the Paulins Kill Watershed in Sparta Township, Sussex County, NJ, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

In addition, the Commission's 1:30 p.m. business meeting will include public hearings on: a resolution to approve an interim reservoir operating plan for the New York City Delaware Basin Reservoirs pending completion of rulemaking on Water Code amendments to implement the Flexible Flow Management Program, a resolution to extend temporary designation of the Lower Delaware River as Special Protection Waters pending completion of a rulemaking on permanent designation; and a resolution to restore text inadvertently omitted from the project review fee schedule approved by Resolution No. 2005-1. The Commission also will consider a resolution concerning a Pennsylvania Coastal Zone Management Program grant to develop a pilot special area management plan for the Upper Wissahickon Watershed; and resolutions to authorize participation by the Commission staff in the State of New Jersey Long-Term Care Insurance Program.

The meeting will also include adoption of the minutes of the Commission's July 18, 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 September 26, 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. Please contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 07-1700. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Healthy Farms and Healthy Schools Grant Project

Notice is given of the commencement of an application period for grants under the Healthy Farms and Healthy Schools Grant Program (Program) administered by the Department of Agriculture (Department). The agreement period is July 1, 2007—June 30, 2008. The application period is August 27, 2007—October 5, 2007. The statement of policy describing the program is available at www.agriculture.state.pa.us.

In summary, the program provides matching funds to educational institutions located in this Commonwealth

that have a kindergarten program, whether they be public, private or charter schools. The purpose of the Program is to educate kindergarten students and their families about the importance of choosing healthy, locally produced foods while increasing awareness of Pennsylvania agriculture. The application, work plan and budget should reflect a project completion date of June 30, 2008.

Applications for the Program will be accepted by the Department beginning the date of publication in the *Pennsylvania Bulletin* and will continue through Friday, October 5, 2007. Applications must be received by 4 p.m. in the Bureau of Market Development on the closing date. Information on this program may be obtained from Frank Jurbala, Director, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408. Application documents can be accessed at www.agriculture.state.pa.us.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-1701. Filed for public inspection September 14, 2007, 9:00 a.m.]

Notice of Right-to-Know Procedures—Public Access to Information

TITLE: Notice of Right-to-Know Procedures—Public Access to Information

EFFECTIVE DATE: September 15, 2007. This notice supplants a May 13, 2006 notice on the same subject.

AUTHORITY: This notice is issued pursuant to the Right-to-Know Law (65 P. S. §§ 66.1—66.9) and Pennsylvania Office of Administration Management Directive 205.36.

GENERAL REQUIREMENT: Persons requesting access to records kept by the Pennsylvania Department of Agriculture (PDA) pursuant to the Right-to-Know Law (RTKL) should follow the directions provided in this notice. PDA will follow the procedures described in this notice in responding to such requests.

PURPOSE: This notice modifies PDA's existing records management procedures to: (1) fulfill its obligations under Pennsylvania Right-to-Know Law (RTKL), as amended by Act 100 of 2002; and (2) comply with the requirement of Management Directive 205.36 that an agency such as PDA give appropriate notice of its RTKL policy.

APPLICABILITY: The provisions of this notice apply to all requests under the RTKL regarding any PDA records. These provisions apply to all recorded information, regardless of whether the information exists in written or electronic format.

DISCLAIMER: The provisions of this notice are intended to supplement existing requirements. Nothing in these provisions shall affect regulatory requirements. These provisions are not an adjudication or regulation. There is no intent on the part of PDA to give these provisions that weight or deference. This document establishes the framework within which PDA will exercise its administrative discretion in the future. PDA reserves the discretion to deviate from the provisions of this notice if circumstances warrant.

REQUESTING ACCESS TO RECORDS

PDA maintains thousands of records in its Harrisburg headquarters and 7 Regional Offices spread throughout

the Commonwealth. It also retains records at several remote records storage facilities. It will help persons seeking access to records held by PDA to have an understanding of the difference between a "record" and a "public record." Definitions of these terms are as follows:

Public record. Any document that satisfies the general definition of "public record" set forth in the RTKL, that does not fall within any of the exceptions set forth therein. The general definition consists of two parts: (i) any account, voucher or contract dealing with the receipt or disbursement of funds by an agency or its acquisition, use or disposal of services or of supplies, materials, equipment or other property; and (ii) any minute, order or decision by an agency fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons. The statutory exemptions are as follows: The term "public records" shall not mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties, except those reports filed by agencies pertaining to safety and health in industrial plants; it shall not include any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom however the record of any conviction for any criminal act.

Record. Any document maintained by an agency, in any form, whether public or not.

To help locate the appropriate records, the Department suggests the following:

1. Informal Requests for Access to Records.

The majority of requests for access to public records kept by PDA can be handled on an informal basis.

If a person seeks a copy of a statute, regulation, policy or general information, a good starting point is the PDA website (www.agriculture.state.pa.us).

PDA regularly provides more types of records for public inspection than are required by the RTKL, and does not require that informal requests to view and copy records be submitted according to a particular procedure. If a person seeks access to a public record, a telephone request to the appropriate RTKL Liaison will—in most instances—result in the requested public record being photocopied and mailed or made available to the requester. PDA has at least two designated RTKL Liaisons at each of its regional offices, and within each bureau at its headquarters building, in Harrisburg. The names, addresses and telephone numbers of the RTKL Liaisons as of the effective date of this notice are listed below, in Appendices "A" and "B." PDA may have updated these lists of names since the effective date of this notice. If so, the current lists are published at the PDA website (www.agriculture.state.pa.us) or will be provided upon request.

In many cases, a visit to PDA's website or a brief telephone call to the appropriate RTKL Liaison can help focus the records request and save time. Although PDA is not legally obligated to provide information through telephone calls or the PDA website, the agency appreciates that many RTKL requests can be resolved quickly and

efficiently through this type of communication, and will try to be responsive to informal RTKL requests reaching PDA through these channels.

2. Formal Written Requests for Access to Records.

In order for a person seeking access to records to have the ability to enjoy the legal rights and remedies provided for in the RTKL, a request for access to records must be in writing, and must be received by the "Right-to-Know Law Coordinator." A request may not be oral, or offered anonymously. A request must, at a minimum, include: (1) the name of the requester; (2) a statement of whether the requester is a resident of the Commonwealth of Pennsylvania; (3) the address to which PDA should send its response; and (4) a clear identification or description of the records sought, with sufficient specificity to enable PDA to ascertain which records are being requested. PDA encourages (but does not require) the use of the Request Form that appears below, in Appendix "C." Written requests for access to records may be delivered to the Right-to-Know Law Coordinator by mail, personal delivery or facsimile transmission (fax), but may not be delivered by e-mail.

If the written request is delivered by mail or personal delivery, it should be delivered to the following person:

Derek Ruhl, Right-to-Know Law Coordinator
 Pennsylvania Department of Agriculture
 Bureau of Administrative Services
 2301 North Cameron Street
 Harrisburg, PA 17110-9408

If the written request is delivered by fax, it must be sent to the following:

Derek Ruhl, Right-to-Know Law Coordinator
 (717) 772-2780

The business hours of PDA are from 8:00 a.m. to 4:00 p.m., from Monday through Friday, except those days when the offices of PDA are closed for all or part of a day due to a state holiday; under executive order; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state or federal law enforcement agencies or officials.

3. Schedule of Fees.

PDA is not required to provide a person with copies of requested records—only access to those records that are "public records" under the RTKL.

As referenced below, PDA will provide photocopies of public records without charge for copying or postage if the records comprise ten or fewer pages and can fit in a standard business envelope.

If PDA's fees for copying the records requested are more than \$100, the fees must be paid before PDA will make any copies. The most efficient method by which to make payment is by certified check or money order. Either of these payment methods will result in the prompt copying of the requested material. If payment is by standard check, though, PDA will wait until the check clears before making the requested copies. PDA will not accept cash payments.

a. Photocopies. One "photocopy" is either a single-sided copy or one side of a double-sided copy. For originals that are 11" × 17" or smaller, PDA does not charge for the first ten photocopies and charges \$0.15 for each photocopy in excess of the first 10. For maps and other oversize documents, the charge is \$2.50 per photocopy or the actual cost to the PDA if the photocopying is not done by PDA.

b. Other materials. PDA charges the following for copying each of the following records: PC diskette—\$5.00; CD—\$7.00; microfilm or microfiche—\$3.00 for the first copy and \$1.50 for each additional copy; paper printouts from microfiche—\$0.50; aperture card—\$0.75.

c. Staff time and postage. PDA does not charge for first class postage if the copies fit in a standard business envelope. Otherwise, PDA charges for the cost of postage. There is no charge for staff time for locating records or preparing the records for review. PDA charges \$15.00 per hour for staff time for redacting records, for leaving a PDA office to accomplish off-premises copying, for traveling in order to retrieve records and for other tasks.

d. Certified copies. PDA charges \$8.00 per sealed impression for official certification of copies.

e. Copying not done at PDA offices. Requesters are prohibited from removing any records from any PDA office. The charges for copying that cannot be done at a PDA office, such as copying of videocassette tapes, is the actual charge to PDA for the copying, plus the \$15.00 per hour charge for PDA staff time.

f. Charges for retrieving off-site records. If a requester seeks access to records that have been sent to off-site locations, the charge is the cost of transporting those records to and from the PDA office, including the \$15.00 per hour charge for PDA staff time. PDA will provide the requester an estimate of these charges before retrieving the records.

g. Charges for special copying. The previous list is not exhaustive. PDA retains the discretion to impose reasonable charges for copying or record retrieval not described previously.

4. Exceptions: Challenging a Full or Partial Denial (or Deemed Denial) of Access to Public Records.

PDA may deny access to a public record in several ways. In summary, denial may be in the form of a letter denying—in whole or in part—a written request for access, or may be a “deemed denial” if PDA does not respond to a written request for access within the time frames prescribed by the RTKL. In either event, the requester has the right to file “exceptions” challenging PDA’s denial.

It will help persons seeking to challenge a denial of access to records held by PDA to have an understanding of the following terms:

Business day. Any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the offices of PDA are closed for all or part of a day due to a state holiday; pursuant to executive order; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state or Federal law enforcement agencies or officials.

Exceptions. A written administrative appeal filed with an agency by a requester challenging the agency’s denial or deemed denial of the requester’s RTKL request.

Exceptor. A person who files exceptions to a full or partial denial of a request for access to records by PDA.

RTKL Exceptions Official. Any official or employee designated by the agency head to consider exceptions, conduct hearings, as appropriate, and issue final determinations resolving those exceptions.

RTKL Exceptions Unit. The office designated by the agency head to receive and docket exceptions filed by requesters.

a. Time within which Exceptions must be filed. A person who seeks to file exceptions to PDA’s full or partial denial of a request for access to records must do so within 15 business days of the mailing date of PDA’s written denial, or within 15 days of the date the request is deemed denied.

b. Format and content of Exceptions. Exceptions must be in writing, and must state the basis for the requester’s position that the record with respect to which access has been denied is a public record. Exceptions should address the reasons stated by PDA for denying the request, unless the request was deemed denied. Exceptions may (but need not) contain a request for a hearing before the RTKL Exceptions Official.

c. Submitting Exceptions to the RTKL Exceptions Office. Written exceptions may be submitted to the RTKL Exceptions Office by: (1) regular U. S. mail (in which case the mailing date shall be the date of the postmark on the envelope or, if the postmark is illegible, the date immediately preceding the date upon which the RTKL Exceptions Office receives the exceptions, and the mailing date shall be considered the filing date); or (2) by personal delivery, facsimile transmission, parcel delivery service courier service or similar means of delivery (in which case the filing date shall be the date the exceptions are received at the RTKL Exceptions Office). Exceptions may not be submitted by e-mail. Exceptions should be delivered to the following person:

Renee Stachow, Right-to-Know Law Exceptions Official
 Pennsylvania Department of Agriculture
 Bureau of Administrative Services
 2301 North Cameron Street
 Harrisburg, PA 17110-9408

If the written request is delivered by fax, it must be sent to the following:

Renee Stachow, Right-to-Know Law Exceptions Official
 (717) 772-2780

d. Procedure for Resolving Exceptions. Unless otherwise agreed to by PDA, the Exceptor and the RTKL Exceptions Official, the following procedures shall apply:

- Within 7 business days after the filing of the exceptions, PDA may submit to the RTKL Exceptions Official a written response to the exceptions.

- If the RTKL Exceptions Official decides to conduct an administrative hearing, the Exceptor will be notified of the date, time, and place. The RTKL Exceptions Official may condition having an administrative hearing on the Exceptor’s agreement to a final determination more than 30 days after the exceptions were mailed.

- The RTKL Exceptions Official may: (1) require that each party, in advance of the administrative hearing, provide a list of witnesses and exhibits to the opposing party and the RTKL Exceptions Official; and (2) at the subsequent administrative hearing, limit the witnesses and exhibits to only those identified on the list.

- Unless otherwise determined by the RTKL Exceptions Official, the administrative hearing will be conducted during a single business day. The RTKL Exceptions Official may limit the time within which each party must present its witnesses and exhibits. The Exceptor will present evidence first.

- Testimony of witnesses at an administrative hearing will be under oath and recorded by a court reporter.

- If an administrative hearing is held, the strict rules of evidence will not be applied. The RTKL Exceptions

Official may admit into evidence testimony and exhibits that are reasonably probative and relevant. Any brief or legal argument must be presented at or before the hearing.

- The General Rules of Administrative Practice and Procedure will not apply. The RTKL Exceptions Official shall rule on procedural matters regarding the exceptions on the basis of justice, fairness, and expeditious resolution.

- The RTKL Exceptions Official may designate another person to conduct hearings or otherwise assist the Exceptions Official.

e. Review of Exceptions. The RTKL Exceptions Official may—but need not—convene a hearing on the excep-

tions. The decision as to whether to convene a hearing is not appealable. The RTKL Exceptions Official must issue a written “final determination” by mailing it to the requester within 30 days of the mailing date of the exceptions (or the filing date, if the exceptions are delivered to the RTKL Exceptions Official by means other than by regular U. S. mail), unless this time period is waived by the Exceptor. If the final determination denies the request for access to records, it will contain a written explanation of the reasons for denial. A final determination may be appealed to the Commonwealth Court, in accordance with the Right-to-Know Law.

DENNIS C WOLFF,
Secretary

APPENDIX “A”

List of Right-to-Know Law Liaisons at PDA Regional Offices

| <i>Office</i> | <i>Counties Covered</i> | <i>Telephone Number</i> | <i>Right-To-Know Law Liaison And Alternate</i> |
|--|---|-------------------------|--|
| PDA Region I Office 13410 Dunham Road Meadville, PA 16335 | Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Venango and Warren | (814) 332-6890 | Paula Sleptzoff |
| PDA Region II Office 542 County Farm Road Suite #102 Montoursville, PA 17754 | Cameron, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union | (570) 433-2640 | Sherri Holtzman Margaret (Peggy) Bird |
| PDA Region III Office Route 92 South P. O. Box C Tunkhannock, PA 18657 | Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne and Wyoming | (570) 836-2181 | Ann Morgan |
| PDA Region IV Office 6 McIntyre Road Gibsonia, PA 15044 | Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland | (724) 443-1585 | Irene Corvi Marilyn Rebholz |
| PDA Region V Office 1307 7th Street Cricket Field Plaza Altoona, PA 16601 | Bedford, Blair, Cambria, Clearfield, Centre, Fulton, Huntingdon, Juniata, Mifflin and Somerset | (814) 946-7315 | Richard Choboy Elizabeth Santini, DVM |
| PDA Region VI Office State Farm Show Complex P. O. Box 5184 Harrisburg, PA 17110-0184 | Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York | (717) 346-3223 | Tom Oyler Sally Seeley |
| PDA Region VII Office Route 113 P. O. Box 300 Creamery, PA 19430 | Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia and Schuylkill | (610) 489-1003 | William Zollers Phyllis Starr |

APPENDIX “B”

List of Right-to-Know Law Liaisons at PDA Bureaus, Commissions and Offices

Bureaus:

| <i>Office Name</i> | <i>Right-to-Know Law Liaison and Alternate</i> | <i>Telephone Number</i> |
|---|---|-------------------------|
| Bureau of Administrative Services | Renee Stachow | (717) 787-4854 |
| Bureau of Animal Health and Diagnostic Services | Dr. Jeanine Staller Joyce McLaughlin Sue Berkheimer | (717) 772-2852 |
| Bureau of Dog Law Enforcement | Mary Bender Hedy Logan | (717) 787-4833 |
| Bureau of Farm Show | Patrick Kerwin Chris Seiple | (717) 787-5373 |

Please check one of the following:

- I am only requesting *access to* the documents identified above.
- I am only requesting *a copy of* the documents identified above.
- I am requesting *access to* the documents identified above **and** a *copy of* those documents.

If you are requesting a copy of the documents identified above, please check one of the following:

- I want a **paper copy of the documents.**
- I want a **computer-readable copy of the documents, if available in that format (e.g., diskette or compact disk).**
- Other (please specify):** _____

[Pa.B. Doc. No. 07-1702. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending August 28, 2007.

BANKING INSTITUTIONS

Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 8-27-07 | Federated Investors Trust Company of PA Pittsburgh Allegheny County | Pittsburgh | Approved |

Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 8-17-07 | Harleysville National Corporation, Harleysville, to acquire 100% of East Penn Financial Corporation, Emmaus, and so indirectly acquire East Penn Bank, Emmaus, which will be merged with and into The Harleysville National Bank and Trust Company, Harleysville (a wholly-owned subsidiary of Harleysville National Corporation). | Harleysville | Filed |

Section 112 Application

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 8-17-07 | Harleysville National Corporation, Harleysville, to acquire up to 19.9% of Berkshire Bancorp, Inc., Wyomissing and so indirectly acquire up to 19.9% of the voting control of Berkshire Bank, Wyomissing, in conjunction with the acquisition of East Penn Financial Corporation, Emmaus, which currently has approval to own up to 19.9% of Berkshire Bancorp, Inc. | Harleysville | Filed |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 8-20-07 | Prudential Savings Bank Philadelphia Philadelphia County | 28 North Third Street Philadelphia Philadelphia County | Opened |
| 8-24-07 | Berkshire Bank Wyomissing Berks County | 1 Hearthstone Court Exeter Township Berks County | Opened |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Acting Secretary

[Pa.B. Doc. No. 07-1703. Filed for public inspection September 14, 2007, 9:00 a.m.]

Actions 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, has taken the following action on applications received for the week ending September 4, 2007.

BANKING INSTITUTIONS**Charter Application**

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 8-24-07 | Monument Bank Doylestown Bucks County <i>Corresponding Agent</i> John K. Black Bybel Rutledge, LLP 1017 Mumma Road, Suite 302 Lemoyne, PA 17043 | Doylestown | Filed |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County Purchase of assets/assumption of liabilities of four branch offices of Susquehanna Bank DV, Bryn Mawr, located at: | Lititz | Filed |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|--|--|---|---------------|
| | 2228 State Hill Road Wyomissing Berks County | 4930 5th Street Highway Temple Berks County | |
| | 4915 Perkiomen Avenue Reading Berks County | 46 West Main Street Fleetwood Berks County | |
| 8-18-07 | Elderton State Bank, Elderton, and Elderton Interim Bank, Elderton Surviving Institution— Elderton State Bank, Elderton | Elderton | Filed |
| <p>Merger is in conjunction with the reorganization of Elderton State Bank to create a bank holding company structure. Elderton State Bank will become the wholly-owned subsidiary of Keystrong Financial, Inc., a new holding company in formation.</p> | | | |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 8-13-07 | S & T Bank Indiana Indiana County | 1077 Freeport Road Pittsburgh Allegheny County | Opened |
| 8-16-07 | First Commonwealth Bank Indiana Indiana County | 5853 Forbes Avenue Pittsburgh Allegheny County | Filed |
| 8-31-07 | Susquehanna Bank DV Bryn Mawr Montgomery County | 2 Aquarium Drive Camden Camden County, NJ | Filed |

Branch Consolidations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | <i>Into:</i> 4930 5th Street Highway Temple Berks County <i>From:</i> 5318 Allentown Pike Temple Berks County | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | <i>Into:</i> 3199 Cape Horn Road Red Lion York County <i>From:</i> 3090 Cape Horn Road Red Lion York County (Branch consolidation pending the proposed merger of CommunityBanks, Harrisburg with and into Susquehanna Bank PA, Lititz) | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | <i>Into:</i> 1205 Carlisle Road York York County <i>From:</i> 2170 White Street York York County (Branch consolidation pending the proposed merger of CommunityBanks, Harrisburg with and into Susquehanna Bank PA, Lititz) | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | <i>Into:</i> 200 Willow Valley Lakes Drive Willow Street Lancaster County | Filed |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| | | <i>From:</i> 90 Willow Valley Lakes Drive Willow Street Lancaster County (Branch consolidation pending the proposed merger of CommunityBanks, Harrisburg with and into Susquehanna Bank PA, Lititz) | |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | <i>Into:</i> 1 Market Way East York York County <i>From:</i> 16 North George Street York York County (Branch consolidation pending the proposed merger of CommunityBanks, Harrisburg with and into Susquehanna Bank PA, Lititz) | Filed |
| 8-29-07 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | <i>Into:</i> 338 West DeKalb Pike King of Prussia Montgomery County <i>From:</i> 608 DeKalb Pike King of Prussia Montgomery County | Filed |

Branch Discontinuance

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 8-3-07 | S & T Bank Indiana Indiana County | Two Gateway Center 603 Stanwix Street Pittsburgh Allegheny County | Closed |

Savings Institutions

No activity.

Credit Unions

No activity.

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

STEVEN KAPLAN,
Acting Secretary

[Pa.B. Doc. No. 07-1704. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Community Services Block Grant; Public Meeting

The Department of Community and Economic Development (Department) publishes notice of a public hearing to be held at 10 a.m. on Wednesday, September 26, 2007, in Conference Room 4 West, 4th Floor of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Community Services Block Grant proposed State Plan to be submitted to the United States Department of Health and Human Services for program years 2008 and 2009.

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 to JamesEtta Reed, Director, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on September 26, 2007.

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

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 07-1705. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will hold a meeting on Wednesday, September 26, 2007, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-1706. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Pennsylvania College of Optometry for Approval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Pennsylvania College of Optometry for a Certificate of Authority approving the institution's change to university status with a corresponding change of name to Pennsylvania Health & Science University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23—35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1707. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of the Interdenominational Theological Center of Atlanta, GA for Approval to Operate in this Commonwealth by Offering Courses in Divinity Leading to the Master of Divinity (M. Div.) Degree

**Notice of Opportunity for Hearing and
Invitation to Protest**

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of the Interdenominational Theological Center (ITC), based in Atlanta, GA to have a Certificate of Authority approving its operation by synchronous distance education to classes in Philadelphia, PA. ITC wishes to offer courses in Divinity leading to the Master of Divinity (M. Div.) degree. Completion of the degree program would require students to take classes at the ITC campus in Atlanta.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Carol Gisselquist (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1708. Filed for public inspection September 14, 2007, 9:00 a.m.]

Index Calculation Required by Special Session Act 1 of 2006

Under section 333(l) of the Taxpayer Relief Act (53 P. S. § 6926.333(l)), the Department of Education (Department) has calculated the index for the Fiscal Year (FY) 2008-2009.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For the FY 2008-2009, the base index is 4.4%.

For school districts with a market value/income aid ratio greater than .4000, an adjusted index will be posted on the Department's website at www.pde.state.pa.us/proptax by September 30, 2007.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1709. Filed for public inspection September 14, 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

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

| <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> |
|-----------------------------|--|--|--------------------------------------|-----------------------------|
| PA0246646 (Sew) | Copart Auto Auction 8 Park Drive Grantville, PA 17028 | Lebanon County East Hanover Township | UNT Swatara Creek 7-D | Y |
| PA0053571 (Sew) | Brian L. Kanach 101 Gristmill Road Boyertown, PA 19512 | Berks County Douglass Township | Ironstone Creek 3-D | 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> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0114081 (Nonmunicipal) | Clear Run, Inc. Woods Edge Estates 181 Draketown Road Bloomsburg, PA 17815 | Columbia County Orange Township | UNT to Fishing Creek 5C | Y |
| PA0112381 (Nonmunicipal) | Columbia Investment Corporation Madison Estates 6009 Columbia Boulevard Bloomsburg, PA 17815 | Columbia County Madison Township | Little Fishing Creek 5C | 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> |
|-----------------------------|---|---------------------------------------|--|-----------------------------|
| PA0103713 | Scrubgrass Generating Company, LP 2151 Libson Road Kennerdell, PA 16374 | Scrubgrass Township Venango County | Allegheny River (Outfall 001), Falling Spring Run (Outfall 002) and the UNT to the Allegheny River (Outfall 003) 16-G | 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.

PA0053929, Sewage, SIC 4952, **Barryway Enterprises, Inc., Bubba's Pot Belly Stove Restaurant**, 1485 Route 309, Quakertown, PA 18951. This proposed facility is located in Springfield Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 7,500 gpd of treated sewage into a UNT to Tohickon Creek.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for: TSF. The nearest downstream public water supply intake for PA American Water Company is located on Delaware River and is 32 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 7,500 gpd.

| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|---|---|
| CBOD ₅ | 25 | 50 |
| Suspended Solids | 30 | 60 |
| Ammonia (as N) | | |
| (5-1 to 10-31) | 2.0 | 40 |
| (11-1 to 4-30) | 6.0 | 12.0 |
| Oil and Grease | 15 | 30 |
| Phosphorus (as P) | 0.5 | 1.0 |
| Total Residual Chlorine | 0.15 | 0.4 |
| Fecal Coliform | 200 colonies/100 ml as a Geometric Average | |
| Dissolved Oxygen | Minimum of 4.0 mg/l at all times | |
| pH | Within limits of 6.0 to 9.0 Standard Units at all times | |

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

The EPA waiver is in effect.

Effective disinfection.

PA0057011, Sewage, SIC 4952, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Thornbury Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Bridlewood Farm STP.

The receiving stream, Radley Run, is in the State Water Plan Watershed 3H and is classified for: WWF, aquatic life, water supply and recreation. There is no downstream public water supply intake below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.103 mgd:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | |
|----------------------|----------------------------|--|-----------------------------|---|
| | <i>Average Monthly</i> | <i>Average Monthly</i> | <i>Average Monthly</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | 21 | 25 | 25 | 50 |
| TSS | 26 | 30 | 30 | 60 |
| NH ₃ as N | | | | |
| (5-1 to 10-31) | 3.0 | 3.5 | 3.5 | 7.0 |
| (11-1 to 4-30) | 6.0 | 7.0 | 7.0 | 14.0 |
| Total Phosphorus | 1.7 | 2.0 | 2.0 | 4.0 |
| Total Nitrogen | 8.6 | 10.0 | 10.0 | 20.0 |
| TRC | | 0.2 | 0.2 | 0.5 |
| Fecal Coliform | | 200 lbs/100 ml | 200 lbs/100 ml | 1,000 lbs/100 ml |
| Dissolved Oxygen | | Minimum of 5.0 mg/l at all times | | |
| pH | | Within limits of 6.0 to 9.0 at all times | | |

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

1. Operator Notification.
2. Remedial Measures if Unsatisfactory Effluent.
3. No Stormwater.
4. Acquire Necessary Property Rights.
5. Small Stream Discharge.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Operator Certification.
10. I-Max Limits.
11. No Discharge Condition.
12. 2/Month Monitoring.
13. Maximize Drip Irrigation.

PA0057487, Sewage, SIC 5999, **Oldcastle Lawn & Garden, Inc.**, 500 East Pumping Station Road, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 1,000 gpd of treated sewage and stormwater into an UNT to Tohickon Creek.

The receiving stream, a UNT to Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for: TSF. The nearest downstream public water supply intake for the PA American Water Company is located on the Delaware River and is 30.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,000 gpd.

| <i>Parameters</i> | <i>Average Monthly</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|---|---|
| CBOD ₅ | 10 | 20 |
| Suspended Solids | 10 | 20 |
| Ammonia as N | 3.0 | 6.0 |
| Total Residual Chlorine | 0.5 | 1.2 |
| Phosphorus as P | Monitor | Monitor |
| Fecal Coliform | 200 lbs/100 ml as a Geometric Average | |
| Dissolved Oxygen | 3.0 (minimum) | |
| pH | Within limits of 6.0 to 9.0 Standard Units at all times | |

The proposed effluent limits for Outfall 002 for stormwater discharge from the facility are as follows:

| <i>Parameters</i> | <i>Average Monthly</i> | <i>Daily Maximum (mg/l)</i> |
|-------------------------|----------------------------|---------------------------------|
| CBOD ₅ | | Monitor |
| COD | | Monitor |
| Oil and Grease | | Monitor |
| pH | | Monitor |
| Total Suspended Solids | | Monitor |
| Total Kjeldahl Nitrogen | | Monitor |
| Phosphorus, Total | | Monitor |
| Iron (Dissolved) | | Monitor |

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

1. Remedial Measures.
2. No Stormwater from STP.
3. Dry Stream Discharge.
4. Minimize Chlorine Usage.
5. Sludge Disposal.
6. Stormwater Requirements.

EPA waiver is in effect.

PA0050342, Sewage, SIC 4952, **Upper Pottsgrove Township**, 1309 Farmington Avenue, Pottstown, PA 19464. This proposed facility is located in Upper Pottsgrove Township, **Montgomery County**.

Description of Proposed Activity: This application is for renewal of a NPDES permit to discharge treated sewage from Regal Oaks Subdivision's STP in Upper Pottsgrove Township, Montgomery County. This is an existing discharge to Sprogels Run.

The receiving stream, Sprogels Run, is in the State Water Plan Watershed 3D and is classified for: WWF.

The proposed effluent limits for Outfall 001 are based on a design flow of 17,900 gpd and are in currently in effect until March 31, 2010.

| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------------|---|---|
| CBOD ₅ (5-1 to 10-31) | 15 | 30 |
| (11-1 to 4-30) | 25 | 50 |
| 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 |
| Total Residual Chlorine | 0.024 | 0.048 |
| Fecal Coliform | 200 col/100 ml Geometric Mean | 1,000 col/100 ml |
| Dissolved Oxygen | Minimum of 5.0 mg/l at all times | |
| pH | Within limits of 6.0 to 9.0 Standard Units at all times | |

The proposed effluent limits for Outfall 001 are based on a design flow of 17,900 gpd and will become effective April 1, 2010:

| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------------------|-----------------------------------|---|
| CBOD ₅ | 0 | 20 |
| Suspended Solids | 10 | 20 |
| Ammonia (as N) (5-1 to 10-31) | 2.0 | 4.0 |
| (11-1 to 4-30) | 6.0 | 12.0 |

| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-----------------------------------|---|---|
| Phosphorus as P (5-1 to 10-31) | 0.5 | 1.0 |
| (11-1 to 4-30) | 1.0 | 2.0 |
| Total Residual Chlorine | 0.024 | 0.048 |
| Fecal Coliform | 200 col/100 ml Geometric Mean | 1,000 col/100 ml |
| Dissolved Oxygen | Minimum of 5.0 mg/l at all times | |
| pH | Within limits of 6.0 to 9.0 Standard Units at all times | |

The EPA waiver is in effect.

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

1. Abandon STP When Municipal Sewers Become Available.
2. Remedial Measures if Unsatisfactory Effluent.
3. Acquire Necessary Property Rights.
4. Small Stream Discharge.
5. Transfer of Permit.
6. Minimize Chlorine.
7. Proper Sludge Disposal.
8. Instantaneous Maximum Limitation.
9. Twice a Month Monitoring Frequency.
10. TMDL/WLA Requirement.
11. Operator Certification.
12. O & M Plan Submission.
13. Laboratory Certification.
14. I-Max Requirement.

PA0026603, Sewage, SIC 4952, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Issuance of NPDES renewal permit for an existing discharge of treated sewage. Permit was issued November 7, 2005. The permit was appealed and, as a result of stipulation of settlement, the phosphorus limits and compliance dates are revised.

The receiving stream, Wissahickon Creek, is in the State Water Plan Watershed 3F and is classified for: TSF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 12.95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 mgd.

| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------------|-----------------------------------|----------------------------------|---------------------------------|---|
| CBOD ₅ (5-1 to 10-31) | 10 | 15 | | 20 |
| (11-1 to 4-30) | 20 | 30 | | 40 |
| Total Suspended Solids | 30 | 45 | | |

| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---|-----------------------------------|----------------------------------|---------------------------------|---|
| NH ₃ -N | | | | |
| (5-1 to 10-31) | 1.5 | | | 3.0 |
| (11-1 to 4-30) | 4.5 | | | 9.0 |
| Dissolved Oxygen | 7.0, I-min. | | | |
| pH (Standard Units) | 6.0, I-min. | | | 9.0 |
| Fecal Coliform (#col/100 ml) | 200 | | | |
| Ortho-phosphorus as P: | | | | |
| 12-1-08 through Expiration: | | | | |
| (11-1 to 3-31) | 4.0 | | | 8.0 |
| 4-1-09 through Expiration: | | | | |
| (04-1 to 10-31) | 1.0 | | | 2.0 |
| Aluminum, Total | Monitor | | Monitor | |
| Copper, Total | Monitor | | Monitor | |
| Chromium, Hexavalent | Monitor | | Monitor | |
| Chromium, Total | Monitor | | Monitor | |
| Silver, Total | Monitor | | Monitor | |
| Lead, Total | Monitor | | Monitor | |
| Arsenic, Total | Monitor | | Monitor | |
| Cadmium, Total | Monitor | | Monitor | |
| Mercury, Total | Monitor | | Monitor | |
| <i>Parameters</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Nickel, Total | Monitor | | Monitor | |
| Zinc, Total | Monitor | | Monitor | |
| Cyanide, Free | Monitor | | Monitor | |
| Selenium, Total | Monitor | | Monitor | |
| Phenolics, Total | Monitor | | Monitor | |
| Total Residual Chlorine (NO ₂ +NO ₃) as N | 0.1 | | | 0.3 |

The proposed effluent limits for Stormwater Outfall 006 are based on a design flow of an average storm event:

| <i>Parameters</i> | <i>Average Annual (mg/l)</i> | <i>Average Semi-Annual (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------|----------------------------------|---------------------------------------|---------------------------------|---|
| CBOD ₅ | Monitor | | Monitor | |
| COD | Monitor | | Monitor | |
| Oil and Grease | Monitor | | Monitor | |
| pH | Monitor | | Monitor | |
| Total Suspended Solids | Monitor | | Monitor | |
| Total Kjeldahl Nitrogen | Monitor | | Monitor | |
| Total Phosphorus | Monitor | | Monitor | |
| Iron, Dissolved | Monitor | | Monitor | |
| Fecal Coliform (#col/100 ml) | Monitor | | Monitor | |

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

1. Stormwater Requirements.
2. Pretreatment Program.
3. Upstream Monitoring.
4. Specification of Test Methods.
5. Definition of Average Weekly.
6. Remedial Measures if Public Nuisance.
7. No Stormwater to Sanitary Sewers.
8. Necessary Property Rights.
9. Instantaneous Maximum Limitations.
10. Proper Sludge Handling.
11. Whole Effluent Toxicity Testing with Renewal.
12. Notification of Designation of Responsible Operator.

The EPA waiver is not in effect.

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

Application No. PA 0248690, CAFO, Barry Good Farm, 1695 Rake Road, Mohrsville, PA 19541.

Barry Good has submitted an NPDES permit renewal application for the Barry Good Farm, an existing dairy and poultry operation located in Centre Township, **Berks County**. The CAFO is situated near Plum Creek (Watershed 03-C), which is classified as WWF. The CAFO has a target animal population of approximately 524 animal equivalent units

consisting of 109,500 layer chickens, 80 milk cows, 14 dry cows, 35 heifers and 50 calves. There is one liquid manure storage facility on the farm. Liquid dairy manure is stored in a circular concrete structure. Layer manure is handled in solid form and is stored below the animals in the layer house. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (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 issue an 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's files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

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

Application No. PA 0023108, Sewage, **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022. This facility is located in Conoy Township, **Lancaster County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 12 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.5 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| Total Phosphorus | 2 | | 4 |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform | 200/100 ml as a Geometric Average | | |
| (5-1 to 9-30) | 2,000/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | | | |

The proposed effluent limits for Outfall 002 to Conoy Creek for a wet weather treated effluent overflow of 9.0 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ N | | | |
| (5-1 to 10-31) | 5.0 | | 10 |
| (11-1 to 4-30) | 8.0 | | 16 |
| Total Phosphorus | 2 | | 4 |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform | 200/100 ml as a Geometric Average | | |
| (5-1 to 9-30) | 2,000/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L)</i> | <i>Mass (lbs)</i> | |
|----------------------|-----------------------------|-------------------|---------------|
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |

| <i>Chesapeake Bay Requirements</i> | | | |
|------------------------------------|-----------------------------|----------------|-------------------|
| | <i>Concentration (mg/L)</i> | <i>Monthly</i> | <i>Mass (lbs)</i> |
| | <i>Monthly Average</i> | | <i>Annual</i> |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 82,191* |
| Net Total Phosphorus | XXX | Report | 10,959* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DRM—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DRM—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0020320, Sewage, **Lititz Sewer Authority**, 50 Lititz Run Road, Lititz, PA 17543. This facility is located in Warwick Township, **Lancaster County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Lititz Run, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 3.85 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Weekly (mg/l)</i> | <i>Average Maximum (mg/l)</i> |
|-------------------------|-------------------------------|-------------------------------------|-------------------------------|
| CBOD ₅ | | | |
| (5-1 to 10-31) | 10 | 15 | 20 |
| (11-1 to 4-30) | 15 | 22.5 | 30 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.5 | | 3.0 |
| (11-1 to 4-30) | 4.5 | | 9.0 |
| Total Residual Chlorine | 0.05 | | 0.16 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

| <i>Chesapeake Bay Requirements</i> | | | |
|------------------------------------|-----------------------------|----------------|-------------------|
| | <i>Concentration (mg/L)</i> | <i>Monthly</i> | <i>Mass (lbs)</i> |
| | <i>Monthly Average</i> | | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 70,319* |
| Net Total Phosphorus | XXX | Report | 9,376* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DRM—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0027022, Sewage, **Altoona City Authority (Westerly Plant)**, 20 Greenwood Road, Altoona, PA 16602-7114. This facility is located in Allegheny Township, **Blair County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Beaverdam Branch, is in Watershed 11-A, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 143 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 10.8 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|-------------------------------------|---|
| CBOD ₅ | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 2.0 | | 4.0 |
| (11-1 to 4-30) | 4.0 | | 8.0 |
| Total Phosphorus | 2.0 | | 4.0 |
| Total Copper | 0.018 | | 0.045 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| 10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs)</i> | <i>Annual</i> |
|----------------------|---|----------------|-------------------|---------------|
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | 164,381* |
| Net Total Phosphorus | XXX | Report | | 21,918* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0024040, Sewage, **Highspire Borough Authority**, 640 Eshelman Street, Highspire, PA 17034-1698. This facility is located in Highspire Borough, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.0 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------------|-------------------------------|-------------------------------------|-------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| 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 | |

Chesapeake Bay Requirements

| <i>Parameter</i> | <i>Concentration (mg/L)</i> | | <i>Mass (lbs)</i> | |
|----------------------|-----------------------------|----------------|-------------------|---------------|
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report | Report** |
| Kjeldahl-N | Report | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report | Report |
| Total Phosphorus | Report | Report | Report | Report |
| Net Total Nitrogen | XX | Report | Report | 36,529* |
| Net Total Phosphorus | XXX | Report | Report | 4,871* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0020885, Sewage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 19.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.08 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------------------|-------------------------------|-------------------------------------|-------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N (5-1 to 10-31) | 9.0 | | 18 |
| (11-1 to 4-30) | 16 | | 32 |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| 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 | |

Chesapeake Bay Requirements

| <i>Parameter</i> | <i>Concentration (mg/L)</i> | | <i>Mass (lbs)</i> | |
|------------------|-----------------------------|----------------|-------------------|---------------|
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report | Report** |
| Kjeldahl-N | Report | Report | Report | XXX |

| | <i>Chesapeake Bay Requirements</i> | | |
|----------------------|---|----------------|------------------------------------|
| | <i>Concentration (mg/L)</i> <i>Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs)</i> <i>Annual</i> |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 38,565* |
| Net Total Phosphorus | XXX | Report | 5,065* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0080314, Amendment No. 1, Sewage, **Hampden Township**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050-3097. This facility is located in Hampden Township, **Cumberland County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 15.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 4.65 mgd are:

| <i>Parameter</i> | <i>Average</i> <i>Monthly (mg/l)</i> | <i>Average</i> <i>Weekly (mg/l)</i> | <i>Instantaneous</i> <i>Maximum (mg/l)</i> |
|-------------------------|---|--|---|
| CBOD ₅ | 25 | 40 | 67 |
| Total Suspended Solids | 30 | 45 | 81 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 6.9 | | 18 |
| (11-1 to 4-30) | 15 | | 40 |
| Total Residual Chlorine | 0.35 | | 1.2 |
| Total Phosphorus | 2.0 | | 5.4 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

The proposed Final effluent limits for Outfall 001 for a design flow of 4.82 mgd are:

| <i>Parameter</i> | <i>Average</i> <i>Monthly (mg/l)</i> | <i>Average</i> <i>Weekly (mg/l)</i> | <i>Instantaneous</i> <i>Maximum (mg/l)</i> |
|------------------------|---|--|---|
| CBOD ₅ | 10 | 15 | 27 |
| Total Suspended Solids | 30 | 45 | 81 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.8 | | 4.8 |
| (11-1 to 4-30) | 5.4 | | 14 |
| Total Phosphorus | 2.0 | | 5.4 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

| | <i>Chesapeake Bay Requirements</i> | | |
|----------------------|------------------------------------|-------------------|---------------|
| | <i>Concentration (mg/L)</i> | <i>Mass (lbs)</i> | |
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 98,872* |
| Net Total Phosphorus | XXX | Report | 12,359* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 is not in effect.

Application No. PA 0024431, Sewage, **Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17109. This facility is located in Carroll Township, **York County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Dogwood Run, is in Watershed 7-E, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Yellow Breeches Creek, approximately 18.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.53 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-------------------------------|-------------------------------------|-------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 2.5 | | 5.0 |
| (11-1 to 4-30) | 7.5 | | 15 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| 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 | |

| | <i>Chesapeake Bay Requirements</i> | | |
|----------------------|------------------------------------|-------------------|---------------|
| | <i>Concentration (mg/L)</i> | <i>Mass (lbs)</i> | |
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 31,345* |
| Net Total Phosphorus | XXX | Report | 3,726* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the

Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0026808, Sewage, **Springettsbury Township**, 3501 North Sherman Street, York, PA 17402. This facility is located in Springettsbury Township, **York County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Codorus Creek, is in Watershed 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville is located on the Susquehanna River, approximately 12.35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 15.0 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 2.0 | | 4.0 |
| (11-1 to 4-30) | 3.0 | | 6.0 |
| Total Residual Chlorine | 0.16 | | 0.53 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs)</i> | <i>Annual</i> |
|----------------------|---|----------------|-------------------|---------------|
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XXX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | 273,969* |
| Net Total Phosphorus | XXX | Report | | 36,529* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. 0026263, Sewage, **York City Sewer Authority**, 17 East Market Street, York, PA 17401. This facility is located in Manchester Township, **York County**.

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

The receiving stream, Codorus Creek, is in Watershed 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 are:

| <i>Parameter</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) | 15 | 22 | 30 |
| (11-1 to 4-30) | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.7 | | 3.4 |
| (11-1 to 4-30) | 2.1 | | 4.2 |
| Total Residual Chlorine | Report | | |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| <i>Parameter</i> | <i>Concentration (mg/L)</i> | <i>Monthly</i> | <i>Mass (lbs)</i> | <i>Annual</i> |
|----------------------|-----------------------------|----------------|-------------------|---------------|
| | <i>Monthly Average</i> | | | |
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XXX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | Report* |
| Net Total Phosphorus | XXX | Report | | Report* |

The proposed effluent limits for Outfall 002 for a design flow of 26 mgd are:

| <i>Parameter</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) | 15 | 22 | 30 |
| (11-1 to 4-30) | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.7 | | 3.4 |
| (11-1 to 4-30) | 2.1 | | 4.2 |
| Total Residual Chlorine | Report | | |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| <i>Parameter</i> | <i>Concentration (mg/L)</i> | <i>Monthly</i> | <i>Mass (lbs)</i> | <i>Annual</i> |
|----------------------|-----------------------------|----------------|-------------------|---------------|
| | <i>Monthly Average</i> | | | |
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XXX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | 474,880* |
| Net Total Phosphorus | XXX | Report | | 63,317* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0020923, Sewage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511. This facility is located in Oxford Township, **Adams County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, South Branch Conewago Creek, is in Watershed 7-F, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 66 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.788 mgd are:

| <i>Parameter</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) | 15 | 22 | 30 |
| (11-1 to 4-30) | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 3.5 | | 7.0 |
| (11-1 to 4-30) | 7.5 | | 15 |
| Total Residual Chlorine | 0.15 | | 0.51 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs)</i> | <i>Annual</i> |
|----------------------|---|----------------|-------------------|---------------|
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XXX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | 35,057* |
| Net Total Phosphorus | XXX | Report | | 4,354* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0020826, Sewage, **Dover Township**, 2480 West Canal Road, Dover, PA 17315. This facility is located in Conewago Township, **York County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Little Conewago Creek, is in Watershed 7-F, and classified for TSE, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 8.0 mgd are:

| <i>Parameter</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) | 10 | 15 | 20 |
| (11-1 to 4-30) | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.5 | | 3.0 |
| (11-1 to 4-30) | 4.5 | | 9.0 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| 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 | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs) Annual</i> |
|----------------------|---|----------------|------------------------------|
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 146,117* |
| Net Total Phosphorus | XXX | Report | 19,482* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0027197, Sewage, **The Harrisburg Authority**, One Keystone Plaza, Front and Market Streets, Harrisburg, PA 17101. This facility is located in Harrisburg City, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 0.73 mile downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 37.7 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N (Interim) | | | |
| (5-1 to 10-31) | 17 | | 34 |
| (11-1 to 4-30) | Monitor and Report | | |
| NH ₃ -N (Final) | | | |
| (5-1 to 10-31) | 13 | | 26 |
| (11-1 to 4-30) | Monitor and Report | | |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| 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 | | |

| | <i>Chesapeake Bay Requirements</i> | | |
|----------------------|------------------------------------|----------------|-------------------|
| | <i>Concentration (mg/L)</i> | <i>Monthly</i> | <i>Mass (lbs)</i> |
| | <i>Monthly Average</i> | | |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 688,575* |
| Net Total Phosphorus | XXX | Report | 91,810* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0026875, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This facility is located in Conewago Township, **Adams County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, South Branch of Conewago Creek, is in Watershed 7-F, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for New Oxford Municipal Authority is located on the South Branch Conewago Creek, approximately 5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.5 mgd are:

| <i>Parameter</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) | 15 | 22 | 40 |
| (11-1 to 4-30) | 20 | 30 | 54 |
| Total Suspended Solids | 30 | 45 | 81 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.5 | | 4.0 |
| (11-1 to 4-30) | 3.0 | | 8.1 |
| Total Residual Chlorine | 0.15 | | 0.49 |
| Total Phosphorus | 2.0 | | 5.4 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| 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 | |

| | <i>Chesapeake Bay Requirements</i> | | |
|----------------------|------------------------------------|----------------|-------------------|
| | <i>Concentration (mg/L)</i> | <i>Monthly</i> | <i>Mass (lbs)</i> |
| | <i>Monthly Average</i> | | |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 83,441* |
| Net Total Phosphorus | XXX | Report | 10,959* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0020893, Sewage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545. This facility is located in Manheim Borough, **Lancaster County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Chickies Creek, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.14 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 4.0 | | 8.0 |
| (11-1 to 4-30) | 12 | | 24 |
| Total Residual Chlorine | 0.46 | | 1.5 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| 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 | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L) Monthly Average</i> | <i>Monthly Mass (lbs)</i> | <i>Annual</i> |
|----------------------|---|-------------------------------|---------------|
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 21,847* |
| Net Total Phosphorus | XXX | Report | 2,776* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DRMs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 is not in effect.

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

PA0023531, Sewage, SIC 4952, **Borough of Danville**, 239 Mill Street, Danville, PA 17821. This existing facility is located in the Borough of Danville, **Montour County**.

Description of Proposed Activity: The applicant seeks to renew the major NPDES permit for the wastewater treatment facility consisting of primary settling, contact stabilization, final settling and chlorine disinfection.

The receiving stream for Outfall 001, the Susquehanna River, is in the State Water Plan Watershed 5E and is classified for: WWF. The nearest public water supply surface water intake, owned by Merck and Company Inc., is located on the Susquehanna River, 0.95 mile below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.62 mgd.

| Parameter | Concentration (mg/l) | | | | Mass (lbs) | |
|-------------------------|----------------------|------------------------------------|---------------|-----------------------|--------------|-------------|
| | Monthly Average | Weekly Average | Daily Maximum | Instantaneous Maximum | Monthly Load | Annual Load |
| CBOD ₅ | 25 | 40 | | 50 | | |
| Total Suspended Solids | 30 | 45 | | 60 | | |
| Total Chlorine Residual | 0.5 | | | 1.6 | | |
| Fecal Coliforms | | | | | | |
| (5-1 to 9/30) | | 200 col/100 ml as a Geometric Mean | | | | |
| (10-1 to 4/30) | | 2,000 col/100 ml Geometric Mean | | | | |
| pH | | Within the range of 6.0 to 9.0 | | | | |

Chesapeake Bay Tributary Strategy Nutrient Requirements

| Parameter | Concentration (mg/L) | | Mass (lbs) | |
|----------------------|----------------------|--------------|--------------|-------------|
| | Monthly Average | Monthly Load | Monthly Load | Annual Load |
| Ammonia-N | Report | Report | Report | Report** |
| Kjeldahl-N | Report | Report | Report | Report |
| Nitrate-Nitrate as N | Report | Report | Report | Report |
| Total Nitrogen | Report | Report | Report | Report |
| Total Phosphorus | Report | Report | Report | Report |
| Net Total Nitrogen | | | Report | 66,118* |
| Net Total Phosphorus | | | Report | 8,816* |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

Outfall S01—Stormwater—Best Management Practices

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

1. Chesapeake Bay Nutrient Requirements.
2. Requirements Applicable to Stormwater Outfalls.

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

PA0102326, Sewage, **State Regional Correction Center at Mercer**, 801 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Activity: New NPDES permit replacing an expired 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 Beaver Falls Municipal Authority is located on the Beaver River and is approximately 33 miles below point of discharge.

The receiving stream, Neshannock Creek, is in Watershed 20-A and classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.160 mgd.

| Parameters | Loadings | | | Concentrations | |
|------------------------|--------------------------|-------------------------|------------------------|-----------------------|------------------------------|
| | Average Monthly (lb/day) | Average Weekly (lb/day) | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
| Flow (mgd) | XX | XX | | | |
| CBOD ₅ | 31.3 | | 25 | | 50 |
| Total Suspended Solids | 37.5 | | 30 | | 60 |

| <i>Parameters</i> | <i>Loadings</i> | | <i>Concentrations</i> | | <i>Instantaneous Maximum (mg/l)</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> | |
| NH ₃ -N | | | | | |
| (5-1 to 10-31) | 2.5 | | 18 | | 36 |
| (11-1 to 4-30) | 31.3 | | 26 | | 50 |
| 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 | | 1.6 |
| pH | | | 6.0 to 9.0 Standard Units at all times | | |

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0020346, Sewage, **Borough of Punxsutawney, Mahoning East Civic Center**, 301 East Mahoning Street, Punxsutawney, PA 15767. This existing facility is located in Punxsutawney Borough, **Jefferson County**.

Description of Proposed Activity: New NPDES permit for an existing discharge of treated sewage and industrial waste. Brine may also be treated at the treatment plant.

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 Kittaning Suburban Joint Water Authority, located on the Allegheny River, and is approximately 67.3 miles below point of discharge.

The receiving stream, the Mahoning Creek, is in Watershed 17-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 2.4 mgd.

| <i>Parameters</i> | <i>Loadings</i> | | | <i>Concentrations</i> | | |
|-----------------------------|---------------------------------|--------------------------------|--|-------------------------------|------------------------------|-------------------------------------|
| | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i> | <i>Daily Maximum (mg/l)</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow | XX | XX | | | | |
| CBOD ₅ | 360 | 540 | | 18 | 27 | 36 |
| Total Suspended Solids | 600 | 900 | | 30 | 45 | 60 |
| NH ₃ -N | | | | | | |
| (5-1 to 10-31) | 130 | | | 6.5 | | 13 |
| (11-1 to 4-30) | 390 | | | 19.5 | | 39 |
| 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 | | 1.6 |
| Barium (**) | 122 | | 244 | | | |
| Cadmium (**) | 7.7 | | 15.4 | | | |
| Cobalt (**) | 0.035 | | 0.07 | | | |
| Dissolved Iron (**) | 15.3 | | 30.6 | | | |
| Osmotic Pressure (**) | | | | 3940 mOs/kg | | |
| Total Iron (**) | 87.6 | | 175.2 | | | |
| Zinc (**) | 10.7 | | 21.4 | | | |
| pH | | | 6.0 to 9.0 Standard Units at all times | | | |

XX—Monitor and report on monthly DMRs.

(*)—See Special Condition 2 in Part C of the permit, regarding TRC use.

(**)—See Special Condition 5 in Part C of the permit, regarding monitoring while treating brine.

Part C Conditions:

1. Management and Control of CSOs.
2. Chlorine Optimization.
3. Operation and Implementation of the Pretreatment Program.
4. WETT.
5. Monitoring for brine parameters.
6. CSO Related Bypass Authorization.

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)

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

WQM Permit No. 4107401, Sewerage 4952, **Penn Township**, 4600 Beaver Lake Road, Hughesville, PA 17737. This proposed facility is located in Penn Township, **Lycoming County**.

Description of Proposed Action/Activity: Replacement of the wastewater treatment plant serving the Beaver Lake Development. The new wastewater treatment facilities will have a design capacity of 0.0275 mgd.

WQM Permit No. 1473406-A1, Sewerage, **Philipsburg Borough**, 4 North Centre Street, Philipsburg, PA 16866. This proposed facility is located in Philipsburg Borough, **Centre County**.

Description of Proposed Action/Activity: Replacement of approximately 60,800 LF of sewer collection piping, 40,000 LF of laterals, manholes and associated appurtenances.

WQM Permit No. 1707403, Sewerage 4952, **Mahaffey Borough Municipal Authority**, P. O. Box 202, Mahaffey, PA 15757. This proposed facility is located in Bell Township and Mahaffey Borough, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes the installation sewer extensions serving Mahaffey Campgrounds and Byers Settlement. Also proposed are improvements to an existing pump station on Locust Street in the Mahaffey Borough.

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

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

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

NPDES

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------|--|---------------|---------------------|----------------------------|
| PAI024807011 | Lafayette College Attn: Bruce Ferretti Markle Hall Easton, PA 18042-1768 | Northampton | Forks Township | Bushkill Creek HQ-CWF |
| PAI024807012 | Watchung Valley Dev., LLC Attn: Nicholas P. Braco, Jr. 23 Sutton Road Lebanon, NJ 08833 | Northampton | Bethlehem Township | Nancy Run HQ-CWF, MF |
| PAS10U184R | Nic Zawarski & Sons Developers, Inc. 1441 Linden Street Bethlehem, PA 18018 | Northampton | Forks Township | Bushkill Creek HQ-CWF |

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

Conservation District: McKean County Conservation District, 17137 Route 6, Smethport, PA 16749, (814) 887-4001.

NPDES

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------|-------------------------------------|---------------|---------------------|----------------------------|
| PAI004207001 | Allegheny Bradford Corp. | McKean | Lewis Run Borough | Lewis 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

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

Application No. 0907517, Public Water Supply.

Applicant **Sellersville Borough**
 Township Sellersville Borough
 County **Bucks**
 Responsible Official Alan S. Frick
 140 East Church Street
 Sellersville, PA 18960
 Type of Facility PWS
 Consulting Engineer Cowan Associates, Inc.
 120 Penn-Am Drive
 P. O. Box 949
 Quakertown, PA 18951
 Application Received Date June 15, 2007
 Description of Action Modification to well No. 4 for installation of arsenic removal treatment units.

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

Application No. 4007506, Public Water Supply.

Applicant **C & N Dining, LLC**
 Dallas Township
Luzerne County
 Responsible Official Perry G. Dunford
 C & N Dining, LLC
 P. O. Box 70
 Dallas, PA 18612
 Type of Facility PWS
 Consulting Engineer Michael P. Goodwin, P. E.
 Milnes Engineering, Inc.
 12 Frear Hill Road
 Tunkhannock, PA 18657
 Application Received Date August 14, 2007

Description of Action The applicant proposes the construction of a new PWS system to serve a planned residential townhouse development with some commercial businesses, known as Yalick Farms. The PWS system will include two new well sources, distribution storage, chemical treatment for disinfection and corrosion control and distribution and fire protection facilities.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

The Shop at the Wellington Ridge, City of Chester, **Delaware County**. Samuel Kucia, Env. Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 on behalf of Michael Milone, Brandywine Real Estate Management Services Corp., 2 Ponds Edge Drive, P. O. Box 500, Chadds Ford, PA 19317 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of inorganics and lead. The future use of the subject property is planned to consist of a retail shopping center.

WaWA Convenience Store No. 192, Bristol Township, **Bucks County**. Curt Herman, Austin James Associates, Inc., P. O. Box U, Pocono Pines, PA 18350 on behalf of Matt Winters, WaWa Inc., 260 West Baltimore Pike, WaWa, PA 19603 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with release of unleaded gasoline. The future use of the site is nonresidential. A summary of the Notice of Intent to Remediate was reported to have been published in the Buck County Courier Times on April 6, 2006.

USPS Truck Terminal Annex, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, PG, Keating Env. Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341, Brad A. Molotsky, Brandywine Cira South LP, 55 East Lancaster Avenue, Suite 100, Radnor, PA19087 on behalf of Kyle Rosato, University of Pennsylvania, 3101 Walnut Street, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of PCB. The future use of the site is intended to be developed for mixed uses, including a combination of commercial, office, residential and parking.

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

Former BEF Corporation/Keystone Precision Instruments, Hanover Township, **Lehigh County**. Jamie C. Kleinle, Barry Isett & Associates, Inc., 85 South Route 100 and Kessler Lane, P. O. Box 147, Trexlertown, PA 18087-0147 has submitted a Notice of Intent to Remediate (on behalf of his client, Keith Border, Keystone Precision Instruments, 1670 East Race Street, Allentown, PA 18109), concerning the remediation of soil found to have been impacted by silver as a result of the refurbishing process of used photographic minilabs. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The proposed future use of the property will be the nonresidential use as Keystone Precision Instruments' sales and service headquarters for surveying and construction equipment. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 14, 2007.

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

David Yurista Residence, West Hempfield Township, **Lancaster County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of David Yurista, 3659 Horizon Drive, Lancaster, PA 17601-1115, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil leaked from a defective valve on an aboveground storage tank. The applicant seeks to remediate to the Statewide Health Standard. The property is and will remain a private residence. The NIR was received by the Department of Environmental Protection on August 28, 2007.

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

Shamokin Former MGP Site, City of Shamokin, **Northumberland County**. The Mahfood Group LLC, 260 Miller Run Road, Bridgeville, PA 15017 on behalf of PPL Gas Utilities Corp., 2 North 9th Street, (GENTW17), Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PAHS, benzene, toluene, ethylbenzene and xylenes. The applicant proposes to remediate the site to meet the Site-Specific Standard. Future use of the property includes maintaining the property as a natural gas regulator station.

ACP Manufacturing, Lawrenceville Borough, **Tioga County**. Teeter Environmental, R. R. 1, Box 124B, Sayre, PA 1840 on behalf of ACP Manufacturing, 115 Gulick Street, Blossburg, PA 16912 has submitted a Notice of Intent to Remediate groundwater contaminated with propylene glycol. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will remain industrial.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit ID No. 300809. Allegheny Energy Supply Company, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601. Mitchell Power Station CCB Landfill, 50 Electric Way, Courtney, PA 15067. Application for the permit renewal of a residual waste landfill in Union Township, **Washington County** was received in the Regional Office on August 29, 2007.

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

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

39-309-071: Lafarge North America (5160 Main Street, Whitehall, PA 18052) for replacement of the induced draft fan in the No. 2 Portland cement kiln system at their facility in Whitehall Township, **Lehigh County**.

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

25-066F: Accuride Corp. (10156 12th Street, Erie, PA 16503) resubmittal of a plan approval for installation of a 2006 Heat Treat Line for producing Aluminum Truck Wheels at their Erie Facility in the City of Erie, **Erie County**.

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.

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

01-05025D: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) for the use of No. 4 and No. 5 oils for their drum mix asphalt plant, Gettysburg Quarry, Cumberland Township, **Adams County**. The asphalt plant is subject to New Source Performance Standards, 40 CFR 60, Subpart I. Emissions for CO, NOx and SOx are estimated to be 78, 33 and 34.8 tpy respectively. The plan approval and subsequent State-only operating permit administrative amendment will include restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03083B: Utz Quality Foods, Inc. (900 High Street, Hanover, PA 17331) for construction of a continuous snack food fryer controlled by a mist eliminator at their snack food manufacturing facility in Hanover Borough, **York County**. The facility has the following annual potential emissions: 3.0 tons PM10; 0.3 ton NOx and 0.1 ton CO. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03115A: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, PA 17406) for installation of a chromium electroplating system and emission controls at the existing plant in East Manchester Township, **York County**. The chromium electroplating equipment is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. The plan approval for the non-Title V facility will include provisions for stack testing, work practices, monitoring, recordkeeping and reporting designed to ensure the facility complies with the applicable air quality requirements.

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

04-00044: Zinc Corp. of America-Horsehead Corp. (300 Frankfort Road, Monaca, PA 15061) for their primary zinc smelter and powder facility in Potter Township, **Beaver County**. The company operates pyrometallurgical furnaces, sinter line and two coal fired boilers to produce zinc and zinc oxide at the site. In order to opt out of Best Available Retrofit Requirements (BART), owner/operator has requested to modify their permit to establish Federally enforceable permit limits for BART Affected Sources.

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

61-210B: Glenn O. Hawbaker, Inc. (1041 Stevenson Road, Harrisville, PA 16038) for modification of a stack testing condition in a plan approval to construct an

asphalt plant that will burn alternative fuels at their Plant in Barkeyville Township, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to modify a stack testing condition in a plan approval to construct an asphalt plant that will burn alternative fuels at Glenn O. Hawbaker, Inc., Barkeyville Plant in Barkeyville Township, Venango County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a Synthetic Minor operating permit at a later date.

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.

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

46-00018: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) for a renewal of the Title V Operating Permit for printing of magazines, magazine inserts and newspaper inserts in Upper Hanover Township, **Montgomery County**. The initial permit was issued on September 14, 2001. As a result of potential emissions of VOCs, 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 Title V Operating Permit will contain Compliance Assurance Monitoring conditions pursuant to 40 CFR Part 64 for the six offset lithographic presses and the thermal oxidizers used to control VOC emissions. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

28-05005: York International Corp.—Frick (100 CV Avenue, P. O. Box 997, Waynesboro, PA 17268-0997) for operation of their commercial refrigeration and air conditioning equipment plant in the Borough of Waynesboro, **Franklin County**. This action is a renewal of the Title V operating permit issued in 2002. This facility is a Title V facility due to its potential to emit VOC's from its finishing operations. The Title V operating permit contains restrictions, monitoring, testing, work practice standards, recordkeeping and reporting conditions designed to keep the facility operating within all applicable air quality requirements.

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

65-00163: Department of Public Welfare (P. O. Box 111, Torrance, PA 15779) for the facility's major sources which include three boilers and several emergency generators. The facility is considered to emit major quantities of SOx at Torrance State Hospital in Derry Township, **Westmoreland County**.

04-00044: Zinc Corporation of America—Horsehead Corp. (300 Frankfort Road, Monaca, PA 15061) for their primary zinc smelter and powder facility in Potter Township, **Beaver County**. The company operates pyrometallurgical furnaces, sinter line and two coal fired boilers to produce zinc and zinc oxide at the site. In order to opt out of Best Available Retrofit Requirements

(BART), owner/operator has requested to modify their permit to establish Federally enforceable permit limits for BART Affected Sources.

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

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

46-00053: Superior Metal Products Co., Inc. (116 Berks Street, Pottstown, PA 19464) for renewal of the State-only Operating Permit in Pottstown Borough, **Montgomery County**. The initial permit was issued on 1-28-2003. The facility's primary emission points include: two air atomizing spray paint booths, two electrostatic spray paint booths, a paint line process oven and three No. 2 fuel oil fired boilers.

09-00088: Chicago Steel (PA) LLC (80 Roebling Road, Fairless Hills, PA 19030) for a renewal of a Non-Title V Facility, State-only, Natural Minor Permit in Falls Township, **Bucks County**. Chicago Steel (PA) LLC is a steel manufacturing facility. The sources of emissions are from a steel cleaning process equipped with a fume scrubber. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

07-03039: Altoona Area Crematory (2036 Broad Avenue, Altoona, PA 16601-2014) for operation of a human crematory in the City of Altoona, **Blair County**. This is a renewal of the State-only operating permit issued on December 9, 2002.

36-05109: Amerimax Home Products, Inc. (P. O. Box 4515, Lancaster, PA 17604) for operation of their building shapes manufacturing facility in East Hempfield Township, **Lancaster County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

10-00333: Penn United Technologies, Inc. (799 North Pike Road, PA 16023) for a State-only permit facility to manufacture special dies, tools, jigs and fixtures in Jefferson Township, **Butler County**. The facility's major emission sources include three small boilers, batch vapor degreaser and three cold cleaning degreasers. This is an original issuance of the State-only permit.

25-00916: Ridg-U-Rak, North East Plant (120 South Lake Street, North East, PA 16428) for a State-only, Natural Minor Operating Permit Issuance to operate a Metal Shelving Manufacturing Facility in North East Borough, **Erie County**. The emissions from this facility have been reduced to well below major source levels and the Title V Permit has been changed to a Natural Minor Operating Permit.

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 | | | |

¹ The parameter is applicable at all times.

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

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

Permit Number 17031301 and NPDES Permit No. PA0235571, Parkwood Resources, Inc., (511 Railroad Avenue, Homer City, PA 15748-1422), to revise the permit for the Cherry Tree Mine in Montgomery Township, **Indiana County** and Burnside Township, **Clearfield County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 581.0, Subsidence Control Plan Acres Proposed 581.0. No additional discharges. Application received July 23, 2007.

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

4274SM11 and NPDES No. PA0212512. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, revision of an existing bituminous surface mine to allow the deepening of mining for 13.3 acres on Phase 2A from the current 1,050' elevation to 850' elevation. A request is also made to add 37.1 acres to the northeast side of the SMP for the purpose of support only. A variance is requested to disturb within 100 feet of Halter Creek. The variance begins 1,300 feet downstream from Halter Creek's uppermost crossing of SR 0036, and extends for 700 feet on the east side of the stream. The mining activity will consist of overburden removal to within 50 feet of the stream in Taylor Township, **Blair County**, affecting 467.1 acres. Receiving streams: Halter Run and Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 23, 2007.

32010111 and NPDES No. PA0249050. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to add 10.7 acres in Pine Township, **Indiana County**, affecting 45.5 acres. Receiving streams: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 24, 2007.

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

03020114 and NPDES Permit No. PA0250287. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Renewal application for reclamation only to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 44.8 acres. Receiving stream: UNT to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received August 28, 2007.

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

33030106 and NPDES Permit No. PA0242373. Falls Creek Energy Co., Inc. (568 Silvis Hollow Road, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Porter Township, **Jefferson County** affecting 163.5 acres. Receiving stream: Pine Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 10, 2007.

33960109 and NPDES Permit No. PA0227331. TDK Coal Sales, Incorporated (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip and auger operation in Union Township, **Jefferson County** affecting 157.4 acres. Receiving streams: UNT to Little Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received August 29, 2007.

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

54011301R. Alfred Brown Coal (71 Hill Road, Hegins, PA 17938), renewal of an existing anthracite underground mine operation in Blythe Township, **Schuylkill County** affecting 3.0 acres, receiving stream: UNT. Application received August 21, 2007.

40930102C9. Mammoth Anthracite, LLC (P. O. Box Q, Milnesville, PA 18239), boundary correction to an existing anthracite surface mine, coal refuse reprocessing and coal preparation plant operation to add 18.0 acres for a total of 492.0 acres permitted in Hazle Township, **Luzerne County**, receiving stream: none. Application received August 22, 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* pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

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

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

Permit 7573SM1 and NPDES Permit No. PA0592722. Hempt Brothers, Inc., 205 Creek Road, P. O. Box 278, Camp Hill, PA 17001-0278, renewal of NPDES Permit, Dickinson Township, **Cumberland County**. Receiving stream: Mountain Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 27, 2007.

Permit No. 7575SM1 and NPDES Permit No. PA0594296, Hempt Brothers, Inc., 205 Creek Road, P. O. Box 278, Camp Hill, PA 17001-0278, renewal of NPDES Permit, Silver Spring Township, **Cumberland County**. Receiving stream: UNT Hogestown Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is

PA American Water Company West—Conodoguinet Creek. NPDES renewal application received August 27, 2007.

4404GP01. Earth Tech Consulting, Inc., 2373 Progress Drive, Hebron, KY 41048, bond release on a small noncoal (industrial minerals) operation in Derry Township, **Mifflin County**, affecting 5.0 acres. Receiving streams: UNTs to Jacks Creek. Application received August 24, 2007.

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

30070602 and NPDES Permit No. PA0251216. Fayette Coal & Coke, Inc., 2611 Memorial Boulevard, Connellsville, PA 15425. Application for commencement, operation and reclamation of a large noncoal surface mine located in Dunkard Township, **Greene County**, affecting 28 acres. Receiving streams: Dunkard Creek, Monongahela River and UNTs to Dunkard Creek, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: Greensboro Water Authority and Masontown Water Authority. Application received August 17, 2007.

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

37070301 and NPDES Permit No. PA0258407. Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 74.0 acres. Receiving streams: UNT to Slippery Rock Creek (unclassified) and Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 27, 2007.

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

64032801. Middle Creek Quarry, 53 Skyview Lane, Hawley, PA 18428, Stage I and II bond release for a quarry operation in Cherry Ridge Township, **Wayne County** affecting 1.0 acre on property owned by Ron and Ruthann Malti. Application received August 20, 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)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

EA15-006. K. Hovnanian at East Brandywine LLC, 1170 Wheeler Way, Suite 200, Langhorne, PA 19047, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

A request for an Environmental Assessment approval for impacts associated with the modification, operation and maintenance of the nonjurisdictional dam and modification to an existing pond situated across and along a UNT to the Beaver Creek (TSF, MF). The proposed dam will provide stormwater management for Weaver Tract residential subdivision.

The site is located about 500 feet southeast of the intersection of Bollinger Road and SR 322 (Wagontown, PA, Quadrangle N: 6.6 inches; W: 3.2 inches) Horseshoe Pike (SR 0322) and Bondsville Road (SR 4015) (Wagontown, PA, USGS Quadrangle N: 2.9 inches; W: 1.9 inches).

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

E40-675. Daniel and Patricia Silverstein, 112 Wellington Road, Shavertown, PA 18708, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a pile supported dock having a surface area of approximately 2,166 SF upon which will be built a 1,377 SF boat house structure in Harveys Lake (HQ-CWF). The structure will extend 38 feet from the shore of the Lake and will be installed adjacent to an existing 1,148 SF dock. The project is located on the eastern side of the Lake at Pole No. 66 (Harveys Lake, PA Quadrangle N: 21.3 inches; W: 5.4 inches).

E45-512. LTS Development, LLC, P. O. Box 160, Shawnee-On-Delaware, PA 18356, Price Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a road crossing of Michaels Run (HQ-CWF) consisting of twin, open-bottom, precast concrete arch culverts and twin, high-density polyethylene pipe culverts for the purpose of providing access to the The Falls at Michaels Run residential subdivision. This project is located approximately 750 feet southwest of the intersection of Wooddale and School House Roads (East Stroudsburg, PA Quadrangle N: 12.4 inches; W: 9.4 inches) in Price, Smithfield and Stroud Townships, Monroe County.

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

E28-341: Tex R. Myers, 13204 Worleytown Road, Greencastle, PA 17225-9655, Antrim Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain: (1) a 58-foot 8-inches sanitary sewer pipe stream crossing; (2) a 94-foot 8-inches sanitary sewer pipe stream crossing; (3) a 22-foot span by 5-foot rise, 40-lineal foot concrete box culvert; and (4) a 8-foot span by 4-foot rise, 60-lineal foot concrete box culvert, all impacting a UNT to the Conococheague Creek (CWF, MF). The project is located west of the Williamsport Pike (SR 3001) approximately 1.7 miles south of the intersection with Route 11 (Williamson, PA Quadrangle,

North 1.8 inches; West 1.3 inches, Latitude: 39° 45' 46"; Longitude: 77° 45' 32") in Antrim Township, Franklin County.

E01-272: David Rice, Rice Fruit Company Inc./Rice Fruit Company Land Development, P. O. Box 66, Gardners, PA 17324-0066, Commercial Building in Menallen Township, **Adams County**.

To fill 0.13 acre of palustrine emergent wetlands associated to a UNT to Opossum Creek (WWF) at a point just west of Route 34 (Biglerville, PA Quadrangle N: 22.5 inches; W: 13.0 inches, Latitude: 39° 59' 55"; Longitude: 77° 13' 7.0") in Menallen Township, Adams County. The Applicant proposes 0.15 acre of wetland mitigation.

E67-833: City of York, 1 Marketway West, 3rd Floor, York, PA 17401, City of York, **York County**, ACOE Baltimore District.

To construct and maintain an access platform ramp and steps in the existing boat basin along Codorus Creek (WWF) for the purpose of improving recreational opportunities and public access to the creek. The project will impact 180 lineal feet of Codorus Creek along its western bank. The project is located between Philadelphia Street and Clark Avenue (York, PA Quadrangle, N: 4.5 inches; W: 5.75 inches, Latitude: 39° 57' 42"; Longitude: 76° 43' 59") in the City of York, York County.

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

E63-588-A1. Canonsburg Borough, 68 East Pike Street, Canonsburg, PA 15317. To construct bank protection along Chartiers Creek in Canonsburg Borough, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 1.34 inches; W: 10.55 inches, Latitude: 40° 15' 26.58"; Longitude: 80° 12' 2.28"). The applicant proposes to construct and maintain approximately 800 linear feet of channel bank protection using R-6 rock riprap along the right bank of Chartiers Creek (WWF) located north of Strabane Avenue. This is an amendment to permit E63-588, which was issued on October 19, 2006.

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

E20-560. Department of Transportation, Engineering District 1-0, 255 Elm Street, Oil City, PA 16301. SR 0079, Section A06 Roadway Reconstruction and widening over Van Horne Creek in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 41° 37' 21"; W: 80° 10' 25").

To: (1) construct and maintain a 19' and 24' culvert extension up and downstream respectively to the existing 26' wide by 8' high by 179.31' long reinforced concrete box culvert located a N: 41° 37' 20" and W: 80° 10' 54" carrying SR 0006 over Van Horn Creek (WWF); (2) construct and maintain seven 18" diameter outfall pipes and one 18" diameter outfall pipe extension to Van Horn Creek; (3) to repair and maintain the existing wing walls on the reinforced concrete box culverts located at N: 41° 37' 04" and W: 80° 10' 25" Northbound and N: 41° 37' 32" and W: 80° 11' 09" Southbound on I-79 carrying Van Horn Creek; and (4) to place and maintain fill within 0.034 acre of PEM/PFO wetlands all for the roadway reconstruction project at the I-79 and SR 0006 interchange.

E20-561, South Lake Preserve, Inc., P. O. Box 5233, Conneaut Lake, PA 16316, in Conneaut Lake Borough and Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 7.0 inches; W: 4.4 inches).

The applicant proposes to construct a 1.5 acre park (Ice House Park) at the NE corner of 1st Street and SR 322 at the southern end of Conneaut Lake involving: 1) to remove the existing docks; 2) to construct and maintain pile supported and floating docks having approximately 33 total slips; 3) to maintain the existing boat hoist, to construct and maintain an approximately 250-foot long cantilevered boardwalk; 4) to construct and maintain a boat launch ramp; 5) installing additional riprap protection along approximately 250 feet of shoreline under the boardwalk; and 6) to construct and maintain a sidewalk and landscaping within 50-feet of the top of the bank of Conneaut Lake involving minor grading. Conneaut Lake is a perennial body of water classified as a HQ-WWF.

E25-715, Daniel R. Shipley, 200 Wolf Point Drive, Erie, PA 16505. Groin Structures, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle 42° 5' 30.6" North; 80° 11' 37.9" West).

The applicant proposes to construct and maintain two low-profile groin structures, at elevation below (lakeward of) the ordinary high water mark (OHWM), at the Miller property, located at 200 Wolf Point Drive, in Millcreek Township. The groins would be constructed of 2 foot by 2 foot by 6 foot (2' x 2' x 6') concrete blocks. The western groin would extend into Lake Erie a distance not to exceed 42 feet from the OHWM, and the eastern groin would extend into Lake Erie a distance not to exceed 38 feet from the OHWM. Depending upon lake bottom elevations at the locations of groin placement, both groins would extend to the ordinary low water mark (OLWM), and not beyond that elevation, which could make the total groin length less than stated above. Both groins are proposed to be no higher than 18 inches above the Lake Erie nearshore bottom profile. Lake Erie is a body of water classified as a CWF. This project proposes to directly impact approximately 0.1 acre of Lake Erie.

E25-716, Elizabeth M. Miller, 100 Wolf Point Drive, Erie, PA 16505. Groin Structure, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle 42° 5' 30.6" North; 80° 11' 37.9" West).

The applicant proposes to construct and maintain two low-profile groin structures, at elevation below (lakeward of) the ordinary high water mark (OHWM), at the Miller property, located at 100 Wolf Point Drive, in Millcreek Township. The groins would be constructed of 2 foot by 2 foot by 6 foot (2' x 2' x 6') concrete blocks. The western groin would extend into Lake Erie a distance not to exceed 30 feet from the OHWM, and the eastern groin would extend into Lake Erie a distance not to exceed 32 feet from the OHWM. Depending upon lake bottom elevations at the locations of groin placement, both groins would extend to the ordinary low water mark (OLWM), and not beyond that elevation, which could make the total groin length less than stated above. Both groins are proposed to be no higher than 18 inches above the Lake Erie nearshore bottom profile. Lake Erie is a body of water classified as a CWF. This project proposes to directly impact approximately 0.1 acre of Lake Erie.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

| <i>SSIP Application No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|-----------------------------|--|---------------|---------------------|---------------------------------------|----------------------|
| 07011 | S & M Management Inc. P. O. Box 1429 Milford, PA 18337 Attn: Salvatore Sciascia | Pike | Milford Township | Three ASTs storing petroleum products | 36,000 gallons total |

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

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> |
|-----------------------------|--|---|---|-----------------------------|
| PA0209376 (Nonmunicipal) | Linda Geyer 2713 Carson Hill Road DuBois, PA 15801 | Clearfield County Brady Township | UNT to Limestone Run 17D | Y |
| PA0114880 (Nonmunicipal) | Church of Christ of Latter Day Saints P. O. Box 483 Holidaysburg, PA 16648 | Columbia County North Centre Township | UNT to West Branch Briar Creek 5D | 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> |
|-----------------------------|---|--|---|-----------------------------|
| PA0004766 Amendment 1 | Ellwood National Forge Company One Front Street Irvine, PA 16329 | Brokenstraw Township Warren County | Brokenstraw Creek 16-B | Y |
| PA0102644 | Williams Mobile Home Park 320 Dinnerbell Road Butler, PA 16002-8899 | Penn Township Butler County | UNT to Thorn Creek 20-C | Y |
| PA0238741 | Don W. Neff 111 Beach Road Chicora, PA 16025 | Concord Township Butler County | UNT to the Connoquenessing Creek 20-C | Y |
| PA0102555 | Rocco A. Defranco 1593 Silver Creek Road Johnsonburg, PA 15845 | Jones Township Elk County | Silver Creek 17-A | Y |

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

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

NPDES Permit No. PAI120502, CAFO, **John D. St. John**, 1141 State Road, Lincoln University, PA 19352. This proposed facility is located in New London Township, **Chester County**.

Description of Size and Scope of Proposed Operation/Activity: Approval for the issuance of an Individual NPDES CAFO Permit. The permit authorizes the operation of an 1,174 AEUs.

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

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

WQM Permit No. 1406411, Sewerage 4952, **Millheim Borough**, 225 East Main Street, P. O. Box 421, Millheim, PA 16854-0421. This proposed facility is located in Penn Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a new sewage plant consisting of activated sludge, biological nitrogen removal, phosphorus removal and membrane filtration.

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

WQM Permit No. WQG018567, Sewerage, **Jessica M. and Larry D. Powell, Jr.**, P. O. Box 1030, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

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

WQM Permit No. WQG018567, Sewerage, **Dennis E. and Susan E. Motzer**, 612 Williamson Road, Meadville, PA 16335. This proposed facility is located in East Mead Township, **Crawford County**.

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

WQM Permit No. WQG028311, Sewerage, **Brokenstraw Valley Area Authority**, R. R. 2, Box 284, Youngsville, PA 16371. This proposed facility is located in Pittsfield Township, **Warren County**.

Description of Proposed Action/Activity: Construction, modification and operation of sewage wastewater facilities consisting of five separate sewer extensions for a pressurized sewer system with grinder pumps.

WQM Permit No. WQG018552, Sewerage, **Monte Holland**, P. O. Box 300, Laughlintown, PA 15655. This proposed facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Sewerage 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

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> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI024806027 | Northampton Area School District 2014 Laubach Avenue Northampton, PA 18067 | Northampton | Bath Borough | Monocacy Creek HQ-CWF |

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-02

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> |
|--|-------------------|--|--|--|
| Washington Township Schuylkill County | PAG2005407005 | Lloyd High, High Builders 539 Woleber Road Myerstown, PA 17067 | Tributary to Lower Little Swatara CWF | Schuylkill Co. Cons. Dist. (570) 622-3742 |
| Susquehanna Township Dauphin County | PAR10I309R | Progress Avenue, LP 101 South US Route 15 Dillsburg, PA 17019 | Paxton Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 |
| Susquehanna Township Dauphin County | PAG2002207027 | Commonwealth of PA Department of General Services 18th and Herr Street Harrisburg, PA 17125 | Asylum Run WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 |
| Lower Paxton Township Dauphin County | PAG2002207036 | Crown Realty Trust Co. 8150 Derry Street Harrisburg, PA 17111 | Beaver Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 |
| Conewago Township Dauphin County | PAG2002207041 | Paul E. Zimmerman 975A Lincoln Road Lititz, PA 17543 | Conewago Creek TSF Hoffer Creek TSF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 |

*Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office &
Phone No.*

Lower Paxton
Township
Dauphin County

PAG2002207028

Paul Biko
Clear View Construction
2205 Forest Hills Drive
Suite 10
Harrisburg, PA 17112

Paxton Creek
WWF

Dauphin County
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018

East Hanover
Township
Dauphin County

PAG2002207035

Wayne Isett
Grantville Fire Co.
P. O. Box 39
Grantville, PA 17028

Bow Creek
WWF

Dauphin County
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018

Lower Swatara
Township
Dauphin County

PAR10I297R

Conewago Contractors, Inc.
P. O. Box 688
Edgegrove Road
Hanover, PA 17331

Swatara Creek
WWF

Dauphin County
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018

Mount Pleasant
Township
Adams County

PAG2000107011

Kenneth G. Stremmel
199 Brookside Lane
Biglerville, PA 17307

South Branch
Conewago Creek
WWF

Adams County
Conservation District
670 Old Harrisburg
Road
Suite 201
Gettysburg, PA 17325
(717) 334-0636

Cumberland
Township
Adams County

PAG2000107009

Jayanti Patel
Jayjyoti Corporation
387 Heritage Drive
Gettysburg, PA 17325

UNT to Rock Creek
WWF

Adams County
Conservation District
670 Old Harrisburg
Road
Suite 201
Gettysburg, PA 17325
(717) 334-0636

Conewago Township
Adams County

PAG2000107008

Joseph A. Myers
J. A. Myers Builders
160 Ram Drive
Hanover, PA 17331

South Branch
Conewago Creek
WWF

Adams County
Conservation District
670 Old Harrisburg
Road
Suite 201
Gettysburg, PA 17325
(717) 334-0636

Bonneauville
Borough
Adams County

PAG2000107005

Pete Paturzo
Brown Meadows Limited, Inc.
P. O. Box 7333
Camp Hill, PA 17001

Chicken Run
WWF

Adams County
Conservation District
670 Old Harrisburg
Road
Suite 201
Gettysburg, PA 17325
(717) 334-0636

Straban Township
Adams County

PAR100105R

John Eckert
3607 Beaufort Street
Harrisburg, PA 17111-2121

UNT to Rock Creek
WWF

Adams County
Conservation District
670 Old Harrisburg
Road
Suite 201
Gettysburg, PA 17325
(717) 334-0636

Broad Top Township
Huntingdon County

PAG2003107004

Broad Top Township
Ernest Fuller
P. O. Box 57
Defiance, PA 16633

Shreves Run
WWF

Huntingdon County
Conservation District
10605 Raystown
Road
Suite A
Huntingdon, PA
16652-9603
(814) 627-1627

NOTICES

5073

| <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> |
|--|-------------------|--|--|---|
| Jackson Township Lebanon County | PAG2003807015 | Adam B. Heisey 232 W. Carpenter Avenue Myerstown, PA 17067 | Little SwataraCreek WWF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4 |
| North Londonderry Township Lebanon County | PAG2003807017 | David F. Lavipour North Londonderry Investors, LP 444 Park Avenue South Suite 302 New York, NY 10016-7321 | Killinger Creek TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 4 |
| Shippensburg Township Shippensburg Borough Cumberland County | PAG2002106046 | Continuum Investments, Inc. John Hoover P. O. Box 701 Maugansville, MD 21767 | Burd Run CWF | Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812 |
| Wyomissing Borough Berks County | PAG2000607045 | Spartan Properties, LLC Larry Harnish 560 Van Reed Road Wyomissing, PA 19610-1799 | Schuylkill River WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| Perry Township Berks County | PAG2000607037 | Eugene Bell P. O. Box 238 Shoemakersville, PA 19555 | Pigeon Creek WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| Amity Township Berks County | PAG2000606100 | Gerald L. Fry 1002 Hamilton Boulevard Allentown, PA 18101 | Leaf Creek—Delaware River WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| Southampton Township Cumberland County | PAG2002107021 | Coyote Builders, LLC Kirk Martin 4961 Cumberland Highway Chambersburg, PA 17201 | UNT to Middle Spring Creek CWF | Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812 |
| Susquehanna Township Harrisburg City Dauphin County | PAG2002207018 | Department of General Services Richard J. Smith 18th and Herr Street Harrisburg, PA 17120 | Paxton Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |

*Facility Location:
Municipality &
County**Contact Office &
Phone No.*

| <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> |
|---|-------------------|---|--|--|
| Armstrong County Manor Township | PAG2000307004 | Armstrong School District 410 Main Street Ford City, PA 16226 | Tub Mill Run WWF | Armstrong County CD (724) 548-3425 |
| Indiana County White Township | PAG2003207006 | Naren Patel Pride Hotel 1924 Leesburg Grove City Road Grove City, PA 16127 | McCarthy Run, UNT to McCarthy CWF | Indiana County CD (724) 463-8547 |
| Butler County Jackson Township | PAR10E194R | Jackson Realty Partners Kennry Ross Automotive Route 19 Expansion 5989 Penn Circle South Pittsburgh, PA 15206 | Breakneck Creek WWF | Butler Conservation District (724) 284-5270 |
| Butler County Cranberry Township | PAG2001006033 | Philip Haag United States Army Corp of Engineers P. O. Box 59 Louisville KY 40201-0259 | UNT to Brush Creek WWF | Butler Conservation District (724) 284-5270 |
| Elk County City of St. Marys | PAG2002407024 | City of St. Marys, Industrial Steel and Pipe Supply Company P. O. Box 1994 St. Marys, PA 15857 | Elk Creek CWF | Elk Conservation District (814) 776-5373 |
| Erie County Summit Township | PAG2002507012 | Hilton Garden Inn/ Courtyard by Marriot/ The Ambassador Banquet Facility Scott's Development Company 8040 Peach Street Erie, PA 16509 | Walnut Creek CWF; MF | Erie Conservation District (814) 825-6403 |
| Erie County Waterford Township | PAG2002507018 | Bryan R. Kowalczyk 1357 Lane Road Waterford, PA 16441 | Elk Creek Tributary CWF; MF; WWF | Erie Conservation District (814) 825-6403 |
| Jefferson County Perry Township | PAG2003307002 | Frank Fairman Private Golf Driving Range 137 Aspen Road Punxsutawney, PA 15767 | Sawmill Run and a UNT to Mahoning Creek CWF | Jefferson Conservation District (814) 849-7463 |
| Mercer County Pine Township | PAG2004307006 | Mercer County Pine Township District Court Building 100 North Diamond Street Mercer, PA 16137 | Wolf Creek CWF | Mercer Conservation District (724) 662-2242 |
| Mercer County City of Hermitage | PAG2004307007 | David Smith Preferred Communities, Inc. Settlers Walk Subdivision P. O. Box 9 Canfield, OH 44406 | Pine Hollow Run WWF | Mercer Conservation District (724) 662-2242 |
| Lawrence County Slippery Rock Township | PAG2003707004 | ALLFAB Manufacturing Attention Roseanne Pisano 1602 Old Princeton Road New Castle, PA 16101 | Big Run WWF | Lawrence Conservation District (724) 652-4512 |
| Venango County Cherrytree Township | PAG2006107005 | David Klapac 201 Deer Run Trail Oil City, PA 16301 | UNT Cherrytree Run CWF | Venango Conservation District (814) 676-2832 |

NOTICES

5075

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> |
|---|-------------------|--|---|--|
| Decatur Township Clearfield County | PAR304804 | Junior Coal Contracting, Inc. 2330 Six Mile Road Philipsburg, PA 16866 | Moshannon Creek TSF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| City of Williamsport Lycoming County | PAR504809 | County of Lycoming Lycoming County Transfer Station 447 Alexander Drive Montgomery, PA 17752 | West Branch Susquehanna River WWF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| Snow Shoe Township Centre County | PAR214815 | Snow Shoe Refractories, Inc. 895 Clarence Road Snow Shoe, PA 16874 | North Fork Beech Creek CWF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| Center Township Snyder County | PAR214833 | United Stone Veneer, LLC 149 Keene Lane Middleburg, PA 17842 | Penns Creek WWF Dry Run CWF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664 |

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> |
|---|-------------------|---|---------------------------------|--|
| Wrightstown Township Bucks County | PAG040079 | Franklin Kolp 1191 Swamp Road Furlong, PA 18925 | UNT to Neshaminy Creek | Southeast Regional Office 2 East Main Street Norristown, PA 19401 |
| Hayfield Township Crawford County | PAG049366 | Jessica M. and Larry D. Powell, Jr. P. O. Box 1030 Meadville, PA 16335 | UNT to Wolf Run 16-A | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| East Mead Township Crawford County | PAG049367 | Dennis E. and Susan E. Motzer 612 Williamson Road Meadville, PA 16335 | UNT to Tamarack Lake 16-D | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

*Facility Location:
Municipality &
County*Brady Township
Butler CountyPermit No.
PAG049349*Applicant Name & Address*
Monte Holland
P. O. Box 300
Laughlintown, PA 15655*Receiving Water/Use*
UNT to Glade Run
20-C*Contact Office &
Phone No.*
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-8**Facility Location:
Municipality &
County*City of Allentown
Lehigh CountyPermit No.
PAG082203*Applicant Name & Address*
City of Allentown
112 Union Street
Allentown, PA
18102-4912*Site Name &
Location*
City of Allentown
Wastewater
Treatment Plant
112 Union Street
Allentown, PA 18102*Contact Office &
Phone No.*
NERO
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 826-2511*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Greenwich Township
Berks CountyPermit No.
PAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG083501
PAG083502
PAG083506
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083596
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905*Applicant Name & Address*
Synagro
P. O. Box B
1605 Dooley Road
Whiteford, MD 21160*Site Name &
Location*
Todd Benjamin Farm
Greenwich Township
Berks County*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-12**Facility Location &
Municipality*East Nottingham
TownshipPermit No.
PAG120002*Applicant Name & Address*
Raymond Harnish
491 Barnsley Road
Oxford, PA 19363*Receiving Water/Use*
Northeast Creek
7K*Contact Office &
Phone No.*
Southeast Regional
Office
2 East Main Street
Norristown, PA 19363

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

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

Permit No. 0807501—Construction, Public Water Supply.

| | |
|-------------------------|--|
| Applicant | Sherwood Retirement and Personal Care Home |
| Township or Borough | Canton Township |
| County | Bradford |
| Responsible Official | Jim Sherwood Sherwood Retirement and Personal Care Home R. R. 1 Box 35A Canton, PA 17724 |
| Type of Facility | Public Water Supply—Construction |
| Consulting Engineer | Thomas O'Conner Hawk Engineering, PC One Progress Plaza Suite 12 Towanda, PA 18848 |
| Permit Application Date | August 30, 2007 |

Description of Action Construction of Well No. 1 with disinfection, internal piping, a new storage tank and a new wooden building with concrete floor.

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

Wellhead Protection Program Approval issued to the **Barkeyville Municipal Authority**, 1610 Barkeyville Road, Grove City, PA 16127, PWSID No. 6610036, Barkeyville Borough, **Venango County** on August 28, 2007.

Wellhead Protection Program Approval issued to **Smethport Borough**, 201 West Main Street, Smethport, PA 16749, PWSID No. 6420023, Smethport Borough, **McKean County** on August 28, 2007.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Earl Township | 517 North Railroad Avenue New Holland, PA 17557 | Lancaster |

Plan Description: The approved plan provides for a capacity rerate of the Earl Township Authority to 0.4 mgd and also provides an official sewer service delineation representing ultimate build out within the service area. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Jackson Township | 439 Roth's Church Road Spring Grove, PA 17362 | York County |

Plan Description: Pigeon Hill Estates, A3-67931-212-2: The plan consists of a 21 lot single-family residential subdivision on 48 with total proposed sewage flows of 10,000 gpd to be treated by individual onlot disposal systems. The proposed development is located on the east and west sides of Orchard Road, just south of Three Hill Road in Jackson Township, York County. The plan was disapproved because a submission was not received in response to Department of Environmental Protection's incomplete letter dated September 28, 2005 requesting

additional project information and establishing a 60-day response time period prior to mandatory disapproval action.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Fawn Township | 245 Alum Rock Road P. O. Box 229 New Park, PA 17352-0229 | York County |

Plan Description: South Eastern School District Administration Building, A3-67921-136-3: The plan consists of a two lot institutional subdivision on 105 acres with total proposed sewage flows of 750 gpd tributary to the South Eastern School District Wastewater Treatment Plant. The proposed development is located on the south side of Main Street (SR 0851), approximately 0.7 mile west of Market Street (SR 0425) in Fawn Township, York County. The plan was disapproved because a submission was not received in response to the Department of Environmental Protection's incomplete letter dated January 5, 2005 requesting additional project information and establishing a 60-day response time period prior to mandatory disapproval action.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| West Manheim Township | 31 Fairview Drive Hanover, PA 17331 | York County |

Plan Description: 260 Leppo Mill Road, A3-67964-206-2: The plan consists of a two lot single-family residential subdivision on 13.5 acres with total proposed sewage flows of 400 gpd to be treated by an individual onlot disposal system. The proposed development is located on the east side of Grand Valley Road and south side of Leppo Mill Road in West Manheim Township, York County. The plan revision was disapproved because the groundwater easement is sited up gradient from the proposed onlot sewage disposal systems, thus resulting in improper dilution of nitrate-nitrogen in the subdivision.

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.

US Steel Fairless Works Lot 8 KIPC, 1 Ben Fairless Drive, **Bucks County**. Jeffrey Smith, Langan Engineering & Environmental Services, Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corp., Inc., 600 Grant Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Wasserman Property, City of Philadelphia, **Philadelphia County**. Kurt Spiess, EMG Remediation Services, 5066R West Chester Pike, Edgemont, PA 19028 on behalf of T. Wasserman, 550 Pinetown Road, Suite 440, Ft. Washington, PA 191034 has submitted a Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Special Industrial Area Standards.

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

Elementis Pigments, Inc., City of Easton, **Northampton County**. Michael Gonshor, Principal Hydrogeologist, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, has submitted a Final Report (on behalf of his client Elementis America, Inc., Wyckoffs Mill Road, P. O. Box 700, Hightstown, NJ 08520), concerning the remediation of groundwater found to have been impacted with lead, VOCs and semi-VOCs as the result of historic petroleum UST releases. The addendum to the Final Report demonstrates attainment of the Nonresidential Statewide Health Standard.

David Billig Residence, Lowhill Township, **Lehigh County**. Donald Rood, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044-1006 has submitted a Final Report (on behalf of his client, David Billig, 7715 Claussville Road, Orefield, PA 18069), concerning the remediation of site soil and groundwater impacted by No. 2 fuel oil as a result of an accidental release. The report

was submitted to document attainment of the Residential Statewide Health Standard. The future use of the property will remain residential. A Public Notice was published in *The Morning Call* on August 6, 2007.

Former BEF Corporation/Keystone Precision Instruments, Hanover Township, **Lehigh County**. Jamie C. Kleinle, Barry Isett & Associates, Inc., 85 South Route 100 and Kessler Lane, P. O. Box 147, Trexlertown, PA 18087-0147 has submitted a Final Report (on behalf of his client, Keith Border, Keystone Precision Instruments, 1670 East Race Street, Allentown, PA 18109), concerning the remediation of soil found to have been impacted by silver as a result of the refurbishing process of used photographic minilabs. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submittal of the final report was published in *The Morning Call* on August 14, 2007.

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

Lot 1A, Former Teledyne Readco Holdings, LLC, Spring Garden Township, **York County**. Gannett Fleming, Inc., 805 Estelle Drive, Suite 102, Lancaster, PA 17601, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17403, submitted a Final Report concerning remediation of site soils and groundwater contaminated with metals and chlorinated solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

Culbertson Agway Crop Center, Greene Township, **Franklin County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110, on behalf of Agway Liquidating Trust, LLC, 5790 Widewaters Parkway, DeWitt, NY 13214, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with herbicides, pesticides and fertilizers. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

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

Keller Residence, Pine Creek Township, **Jefferson County**. Blazosky Associates, Inc., 2525 Green Tech Drive, State College, PA 16803, on behalf of Art Keller, 1402 North SR 380, Brookville, PA 15825 has submitted a Final Report concerning remediation of site soil contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene and toluene from a home heating oil spill. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania*

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

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

Pathan Chemical Site, City of Philadelphia **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Sandy Salzman, New Kensington CDC, 2515 Frankford Avenue, Philadelphia, PA 19125 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with inorganic, lead, PAHs and chlorinated. The Cleanup Plan was approved by the Department of Environmental Protection on June 4, 2007.

United Transportation, Morton Borough, **Delaware County**. Richards Burns, Conestoga-Rovers & Assoc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Stephan Perrson, United Transportation has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents and MTBE. The Final report demonstrated attainment of

the Site Specific Standards and was approved by the Department of Environmental Protection on August 20, 2007.

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

PPL Gas Utilities Corp.—Former Leighton MGP Site, Leighton Borough, Carbon County. John J. Mahfood, Project Manager, The Mahfood Group, 260 Miller Run Road, Bridgeville, PA 15017 submitted a Risk Assessment Report and a Cleanup Plan (on behalf of his client PPL Gas Utilities Corporation, 2 North Ninth Street, Allentown, PA 18101) concerning the associated risks and proposed remediation of site soils and groundwater impacted by polycyclic aromatic hydrocarbons associated with the manufacture of coal gas. The reports were submitted in partial fulfillment of the Site-Specific Standard and were approved on August 20, 2007.

David Billig Residence, Lowhill Township, Lehigh County. Donald Rood, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044-1006 submitted a Final Report (on behalf of his client, David Billig, 7715 Claussville Road, Orefield, PA 18069), concerning the remediation of site soil and groundwater impacted by No. 2 fuel oil as a result of an accidental release. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on August 30, 2007.

Elementis Pigments, Inc., City of Easton, Northampton County. Michael Gonshor, Principal Hydrogeologist, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, submitted a Final Report (on behalf of his client Elementis America, Inc., Wyckoffs Mill Road, P. O. Box 700, Hightstown, NJ 08520), concerning the remediation of groundwater found to have been impacted with lead, VOCs and semi-VOCs as the result of historic petroleum UST releases. The addendum to the Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved on August 28, 2007.

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

ShIPLEY Group/Tom's Mobil—Shrewsbury, Shrewsbury Township, York County. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of ShIPLEY Group, P. O. Box 1509, York, PA 17405, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel from a leaking tractor trailer fuel tank. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on August 27, 2007.

Turkey Hill Store No. 93, Lower Windsor Township, York County. Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Turkey Hill Minit Markets, Inc., 257 Centerville Road, Lancaster, PA 17603-4059, submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline leaked from a vehicle gas tank. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on August 28, 2007.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste

Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

S. S. Fisher Steel Corporation, Pequea Township, Lancaster County, Permit No. 300971. This approves a modification to the closure plan, allowing the storage of steel and steel components on closed portions of S. S. Fisher Residual Waste Landfill, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. § 6018.508).

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Number WMGR114. PPT Research Inc., 460 and 515 Business Park Lane, Allentown, PA 18109. General Permit Number WMGR114 authorizes the processing of spent polyethylene glycol slurry containing silicon and silicon carbide or diamond and beneficial use in fresh slurry and in production of silicon ingots and silicon carbide. The processing is limited to mechanical separation, including filtration, thin film vacuum evaporation, spray drying, classification and grinding. The permit was issued by Central Office on August 31, 2007.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM028D003, Greentree Landfill Gas Company, LLC, 7913 Westpark Drive, Suite 101, McLean, VA 22102-4201.

General Permit Number WMGM028D003 is for the processing and beneficial use of landfill gas (LFG), generated at the Greentree Landfill Gas Company Processing Plant, located in Fox Township, Elk County, for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel

to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity.

Originally, Greentree Landfill Gas Company, LLC submitted a determination of applicability (DOA) application for coverage under the General Permit (No. WMGM002) for processing and beneficial use of LFG, generated at the Greentree Landfill Gas Company Processing Plant. The Department of Environmental Protection does not intend to renew the WMGM002 when it expires on December 24, 2007. All beneficial use activities authorized in the soon to be expired WMGM002 are incorporated into the WMGM028. Therefore, the WMGM028D003 is issued to Greentree Landfill Gas Company, LLC for the beneficial use of LFG as requested. The general permit was issued by Central Office on August 20, 2007.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

General Permit Application No. WMGM028D002. Imperial Landfill Gas Company, LLC, 7913 Westpark Drive, Suite 101, McLean, VA 22102-4201.

General Permit Number WMGM028D002 is for the processing and beneficial use of landfill gas (LFG), generated at the Imperial Landfill Gas Company Processing Plant, located in Findlay Township, Allegheny County, for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity.

Originally, Imperial Landfill Gas Company, LLC submitted a determination of applicability (DOA) application for coverage under the General Permit (No. WMGM002) for processing and beneficial use of LFG, generated at the Imperial Landfill Gas Company Processing Plant. The Department of Environmental Protection does not intend to renew the WMGM002 when it expires on December 24, 2007. All beneficial use activities authorized in the soon to be expired WMGM002 are incorporated into the WMGM028. Therefore, the WMGM028D002 is issued to Imperial Landfill Gas Company, LLC for the beneficial use of LFG as requested. The general permit was issued by Central Office on August 20, 2007.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

48-329-006GP9: Fresenius Medical Care of North America (95 Hayden Avenue, Lexington MA 02420-9192) on August 29, 2007, to install and operate a Diesel I/C Engine at their site in Bethlehem, **Northampton County.**

40-329-004GP9: Fresenius Medical Care of North America (95 Hayden Avenue, Lexington MA 02420-9192) on August 29, 2007, to install and operate a Diesel I/C Engine at their site in Wilkes-Barre, **Luzerne County.**

54-329-004GP9: Fresenius Medical Care of North America (95 Hayden Avenue, Lexington MA 02420-9192) on August 29, 2007, to install and operate a Diesel I/C Engine at their site in East Norwegian Township, **Schuylkill County.**

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

GP1-01-03003B: Mott's, Inc. (45 Aspers North Road, Aspers, PA 17034-0068) on August 27, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Menallen Township, **Adams County.**

GP19-67-03081: Finishing Systems, Inc. (70 Willow Springs Circle, York, PA 17406) on August 28, 2007, for Dry Abrasive Blasting Operations under GP19 in Manchester Township, **York County.**

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

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

01-05017E: Quebecor World Fairfield, Inc. (100 North Main Street, Fairfield, PA 17320-9707) on August 27, 2007, to construct a 4-unit double web heatset offset lithographic printing press at their Fairfield plant in Fairfield Borough, **Adams County.**

67-03143A: ESAB Welding & Cutting Products (1500 Karen Lane, Hanover, PA 17331-7948) on August 29, 2007, to construct a flux powder operation controlled by a fabric collector at their welding equipment manufacturing facility in Hanover Borough, **York 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.

46-0251: Anders Detweiler Funeral Home (130 East Broad Street, Souderton, PA 18964) on August 28, 2007, to operate a power-pak II cremator in Souderton Borough, **Montgomery County.**

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

09-0124F: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 29, 2007, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County.**

46-0237A: Numonic, Corp. (101 Commerce Drive, Montgomeryville, PA 18936) on August 31, 2007, to operate a spray booth w/top exhaustion in Montgomery Township, **Montgomery County**.

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

06-05069H: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on August 27, 2007, to modify their lead/acid battery assembly facility in Richmond Township, **Berks County**. This plan approval was extended.

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

04-00709B: Colona Transfer, LP (P. O. Box 311, Portersville, PA 16051) on August 28, 2007, to allow for additional control measures to be included at their Colona Dock No. 2 in Monaca Borough, **Beaver 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.

46-00005: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486-0004) on August 31, 2007, for renewal of their Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**. The original Title V Operating Permit was issued on August 6, 2002, and became effective on September 1, 2002. The facility's major emission points boilers, incinerators, power generation equipment and support equipment for R & D and manufacturing processes, which emit major levels of NOx, SOx, VOCs and PM/PM10. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. Sources at this facility are subject to CAM (40 CFR Part 64), which has been addressed at this time.

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.

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

40-00092: Rad Woodwork Co., Inc. (P. O. Box 531, Maple Street, Nescopeck, PA 18635) on August 30, 2007, to issue a State-only (Natural Minor) Operating Permit to operate a wood fired boiler and associated air-cleaning devices at their facility in Nescopeck Borough, **Luzerne County**.

45-00026: Hanson Aggregates Pennsylvania, Inc. (1900 Sullivan Trail, Easton, PA 18040) on August 31, 2007, to issue a State-only (Synthetic Minor) Operating Permit to operate a batch asphalt plant and associated air cleaning devices at their Stroudsburg facility in Hamilton Township, **Monroe County**.

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

06-03021: Post Precision Castings, Inc. (P. O. Box A, Strausstown, PA 19559) on August 29, 2007, to operate their casting foundry in Strausstown, **Berks County**. This is a renewal of the State-only operating permit.

06-03074: Kolors East (2380 Camp Swatara Road, Myerstown, PA 17067) on August 29, 2007, to operate their sandblasting and painting operation in Bethel Township, **Berks County**. This is a renewal of the State-only operating permit.

36-05094: Keystone Wood Specialties, Inc. (P. O. Box 10127, Lancaster, PA 17605-0127) on August 22, 2007, for a wood working operation in East Lampeter Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

S03-001: Kirkbride Center (111 North 49th Street, Philadelphia, PA 19139) on August 28, 2007, to operate a psychiatric hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 16.7 mmBtu/hr boilers, three emergency generators and one emergency sprinkler pump.

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 Applications Returned

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

17990102 and NPDES No. PA0238236. River Hill Coal Company, Inc., P. O. Box 141, Kylertown, PA 16847, revision of an existing bituminous surface mine to reevaluate the stream and wetland relocation/reconstruction plan in Decatur Township, **Clearfield County**, affecting 344.2 acres. Receiving stream: Laurel Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2007. Application denied August 24, 2007.

Coal Permits Actions

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

56970102 and NPDES No. PA0234508. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Paint Township, **Somerset**

County, affecting 283.3 acres. Receiving streams: Weaver Run, UNT to Shade Creek, UNT to Roaring Fork classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received July 23, 2007. Permit issued August 24, 2007.

32990109 and NPDES No. PA0235148. Walter L. Houser Coal Company, Inc., 12968 US Route 422, Kittanning, PA 16201, revision of an existing bituminous surface auger mine adding acreage for mining in Washington Township, **Indiana County**, affecting 56.9 acres. Receiving streams: UNTs to/and Sugarcamp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 3, 2007. Permit issued August 29, 2007.

7574046 and NPDES Permit No. PA0613029. Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201, renewal of NPDES Permit, Southampton Township, **Cumberland County**, affecting UNT to Bulls Head Branch classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 2, 2007. Permit issued August 29, 2007.

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

17850143 and NPDES No. PA0596663. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849, revision of an existing bituminous surface mine to change land use in Lawrence Township, **Clearfield County**, affecting 27.0 acres. Receiving streams: Wall Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 19, 2007. Revision issued August 27, 2007.

17813084 and NPDES No. PA0609994. Sky Haven Coal, Inc., 5510 State Park Road, Penfield PA 15849, revision of an existing bituminous surface mine to change land use in Lawrence Township, **Clearfield County**, affecting 41.0 acres. Receiving streams: Wall Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 19, 2007. Revision issued August 27, 2007.

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

54860110R4. Reading Anthracite Company, P. O. Box 1200, Pottsville, PA 17901, renewal of an existing anthracite surface mine operation in Cass and Foster Townships, **Schuylkill County** affecting 99.0 acres, receiving stream: none. Application received March 22, 2007. Renewal issued August 28, 2007.

54813224T. Fox Coal Company, Inc., 1380 Tioga Street, Coal Township, PA 17866, transfer of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 9.6 acres, receiving stream: none. Application received March 5, 2007. Transfer issued August 28, 2007.

40930102C8. Mammoth Anthracite, LLC, P. O. Box Q, Milnesville, PA 18239, correction to an existing anthracite surface mine, coal refuse reprocessing and coal preparation plant operation to include a stone crushing plant in Hazle Township, **Luzerne County**, receiving stream: none. Application received December 22, 2006. Correction issued August 29, 2007.

Noncoal Permits Actions

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

5376SM16C6 and NPDES Permit No. PA0593915. American Asphalt Paving Company, 500 Chase Road, Shavertown, PA 18708, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **Luzerne County**, receiving stream: Brown's Creek. Application received July 10, 2007. Renewal issued August 27, 2007.

58070834. Julie Carol Harding, R. R. 4, Box 4290, Meshoppen, PA 18630, commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 11, 2007. Permit issued August 30, 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.

32074008. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, blasting activity permit issued for road construction project development in East and West Wheatfield Townships, **Indiana County**. Blasting activity permit end date is June 15, 2010. Permit issued August 27, 2007.

28074145. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for residential development in Greene Township, **Franklin County**. Blasting activity permit end date is December 16, 2008. Permit issued August 21, 2007.

21074159. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is August 31, 2008. Permit issued August 21, 2007.

21074160. John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for residential development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is December 15, 2007. Permit issued August 24, 2007.

28074146. Jemco, Inc., 3338b Prices Distillery Road, Ijamsville, MD 21754-9315, blasting activity permit issued for residential development in Washington Township, **Franklin County**. Blasting activity permit end date is August 23, 2008. Permit issued August 24, 2007.

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

15074116. Horst Drilling & Blasting, Inc., 141 Ranck's Church Road, New Holland, PA 17557, construction blasting for Charlestown Meadows in Charlestown Township, **Chester County** with an expiration date of December 10, 2007. Permit issued August 23, 2007.

48074115. Silver Valley Drilling & Blasting, Inc., R. R. 4, Box 4196, Saylorsburg, PA 18353, construction blasting for Bushkill Creek Estates in Forks Township, **Northampton County** with an expiration date of September 1, 2008. Permit issued August 23, 2007.

35074121. Hayduk Enterprises, Inc., 257 Riverside Drive, Factoryville, PA 18419, construction blasting for a single dwelling on Big Bass Lake in Clifton Township, **Lackawanna County** with an expiration date of August 31, 2008. Permit issued August 24, 2007.

06074122. Brubacher Excavating, Inc., P. O. Box 528, Bowmansville, PA 17507, construction blasting at the Glen-Gery Quarry in Perry Township, **Berks County** with an expiration date of August 22, 2008. Permit issued August 28, 2007.

46074122. Allan A. Myers, Inc. d/b/a Independence Construction Materials, P. O. Box 98, Worcester, PA 19490, construction blasting for Burbank Grove in Upper Providence Township, **Montgomery County** with an expiration date of August 21, 2008. Permit issued August 28, 2007.

09074124. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241, construction blasting for Deep Run Sewage Treatment Plant in Bedminster Township, **Bucks County** with an expiration date of August 24, 2008. Permit issued August 29, 2007.

40074003. Franzosa Trucking, 1037 Peace Street, Hazleton, PA 18203 and Bernard J. Hasara, 1125 East Mahanoy Avenue, Mahanoy City, PA 17948, construction blasting for Contract No. 1 Hazle Township Sewer Southside in Hazle Township, **Luzerne County** with an expiration date of March 31, 2008. Permit issued August 29, 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

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

E09-897. Richland Township, 1328 California Road, Suite A, Quakertown, PA 18951, Richland Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain approximately 467 linear feet of trail that will connect the existing Hunters Crossing Trail and existing Brayton Gardens II Trail. The proposed municipal trail is located within the 100-year floodplain of Beaver Run and will impact 0.042 acre of wetland. The trail will consist of 237 linear feet of 5-foot wide super deck trail through the wetlands and 230 linear feet of 80 foot wide asphalt trail in the floodplain. The site is located at 280 Trumbauresville Road (Quakertown, PA, USGS Quadrangle, N: 1.25; W: 15 inches).

E51-219. Pacific Atlantic Terminals LLC, 3400 South 67th Street, Philadelphia, PA 19153, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities at the existing Philadelphia South Terminal Port Facility along the western bank of the Schuylkill River (WWF, MF):

1. To modify and maintain a dock. Work will include removing and replacing a loading platform, strengthening piles associated with lateral breasting dolphins by jacketing existing steel piles in concrete and replacing appurtenances.

2. To dredge approximately 32,000 cubic yards of accumulated sediment deposits from the ship berthing area, measuring approximately 850 feet by 110 feet, by clamshell method.

3. To maintain over 1,500 linear feet of timber bulkhead and to modify and maintain approximately 760 linear feet of that bulkhead by placing new steel pipe pile bents.

This project is located approximately 2,500 feet southwest of the intersection Essington Avenue and 70th Street (Philadelphia, PA, USGS Quadrangle N: 6 inches; W: 13.25 inches) and adjacent to the S. T. Services Facility authorized by Permit E51-202 in the City and County of Philadelphia.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-704. Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 18901, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

Giving its consent to the following water obstructions and encroachments associated with the road widening and traffic improvements to facilitate access to a proposed Wawa food market:

1. To remove 65 linear feet of existing retaining wall and fill from the floodplain to facilitate channel relocation.

2. To construct approximately 330 linear feet of gravity retaining wall along the east bank and within the assumed 100-year floodway of the UNT adjacent to the proposed Wawa food market parking area.

3. To construct and maintain 50 linear feet of 16' by 4' open bottom culvert spanning the relocated channel noted in Item 1. The structure will serve as the access to the proposed Wawa food market.

The project will impact 420 linear feet of watercourse. The site is located immediately southeast of the intersection of Horseshoe Pike (SR 0322) and Bondsville Road (SR 4015) (Wagontown, PA, USGS Quadrangle N: 2.9 inches; W: 1.9 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-732. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstructions and encroachments associated with the road widening and traffic improvements to facilitate access to a proposed Wawa food market:

1. To relocate 155 linear feet of the UNT to Beaver Creek (TSF, MF) then place fill in the abandoned channel.

2. To remove 35 linear feet of existing 48-inch CMP culvert, which conveys a UNT of Beaver Creek under an existing driveway access.

3. To modify and extend an existing stream enclosure, which conveys a UNT to Beaver Creek under the Horseshoe Pike and Bondsville Road intersection. The enclosure consists of 40 additional feet of 6' by 8' arch culvert.

4. To construct approximately 330 linear feet of gravity retaining wall along the west bank and within the assumed 199-year floodway of the UNT adjacent to the widened Bondsville Road.

5. To modify and extend three outfall structures from road surfaces through the proposed retaining walls noted above discharging to the UNT of Beaver Creek.

The project will impact 420 linear feet of watercourse. The site is located immediately southeast of the intersection of Horseshoe Pike (SR 0322) and Bondsville Road (SR 4015) (Wagontown, PA USGS Quadrangle N: 2.9 inches; W: 1.9 inches).

E09-908. Department of Transportation, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Tinicum Township, **Bucks County**, ACOE Philadelphia District.

To rehabilitate the superstructure of the existing bridge carrying Byram Road over Pennsylvania Canal (TSF). This work also includes construction and maintenance a temporary stream crossing. The site is located approximately 200 feet west of the intersection of Byram Road (SR 1006, Section 80S) and Larkin Road (Lumberville, PA USGS Quadrangle N: 16.6 inches; W: 12.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-753. Phillips Road Associates, 202 Phillips Road, Exton, PA 19341, Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To place and maintain fill in 0.05 acre of wetlands associated with the expansion of the existing Tennis Addiction Sports Club. The site is located approximately 1,500 feet east of the intersection of Welsh Pool and Phillip Roads (Downingtown, PA, USGS Quadrangle N: 11.5 inches; W: 1.7 inches) in Uwchlan Township, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E23-469. DELCORA, 100 East High Street, P. O. Box 999, Chester, PA 19016-0999, City of Chester, **Delaware County**, ACOE Philadelphia District.

To modify, replace and maintain approximately 2,000 linear feet of an existing 48-inch diameter combined sewer outfall associated with DELCORA's CSO No. 8 and a portion of bulkhead situated in and along the 100-year floodway of the Delaware River.

The work will begin near the intersection of Tilghman and West Front Streets and terminate where Norris Street meets the Delaware River (Bridgeport, PA Quadrangle N: 15.6 inches; W: 17.2 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E48-366. Portland Industrial Park, LLP, 102 Demi Road, Portland, PA 18351, Upper Mount Bethel Township and Portland Borough, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To authorize fill that was previously placed in a 0.45 acre water-filled quarry pit; to place fill in approximately 0.23 acre of PFO wetlands and to construct and maintain an approximate 380 L.F. channel change in a tributary to the Delaware River (CWF) for the purpose of constructing an access road to serve two proposed industrial building lots; and to construct and maintain four utility line stream crossings in a tributary to the Delaware River (CWF) and adjacent PFO wetlands. The permittee is required to provide 0.24 acre of replacement wetlands. This work is associated with the Portland Industrial Park development located south of the intersection of River Road and SR 0611. (Portland, PA-NJ. Quadrangle N: 7.5 inches; W: 13.2 inches). Subbasin: 1F.

E35-384. Rapid Pallet Company, P. O. Box 123, Jermyn, PA 18433, Jermyn Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To fill 1.13 acres of POW wetlands and 0.22 acre of PEM wetlands for the purpose of expanding an industrial facility. The project is located at the southwest corner of Rushbrook Street (SR 0107) and Bonnie Drive (Carbondale, PA Quadrangle N: 5.4 inches; W: 5.8 inches).

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

E67-817: Dillsburg Area Authority, 98 West Church Street, Dillsburg, PA 17019, Monroe Township, **Cumberland County** and Carroll Township, **York County**, ACOE Baltimore District.

To construct and maintain a 24-inch ductile iron sanitary sewer line crossing of the Yellow Breeches Creek (CWF, Scenic River) at a point east of Williams Grove (Mechanicsburg, PA Quadrangle, N: 4.0 inches; W: 3.1 inches, Latitude: 40° 8' 49"; Longitude: 77° 1' 20") in Monroe Township, Cumberland County and Carroll Township, York County.

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

E60-184. Dale L. Miller, 225 Highfields Lane, Lewisburg, PA 17937. Pedestrian Bridge, in Hartley Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 1.7 inches; W: 3.9 inches).

To construct, operate and maintain a 38-foot clear span pedestrian wood and steel beam bridge with a 7.0-foot underclearance, concrete wing wall abutments built out of the 30 foot stream channel and the associated clean fill earthen ramps for private recreational crossing of Turtle Creek, located 1,085 feet upstream of the Stein Lane bridge. This permit was issued under 25 Pa. Code § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1565. Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct and maintain 90 feet of stream relocation in Bethel Park Borough, **Allegheny County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 10.0 inches; W: 8.1 inches, Latitude: 40° 18' 17"; Longitude: 80° 3' 30"). To construct and maintain 90 ft. of stream relocation within 150 ft. of rock stream bank stabilization in Piney Fork (TSF). This project is intended to stabilize slope failure and stream bank erosion in conjunction with minor road improvements of SR 3004, Clifton Road.

E63-592. Chartiers Township, 2 Bucaneer Drive, Houston, PA 15432. To construct a box culvert in

Chartiers Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 17.9 inches; W: 13.1 inches, Latitude: 40° 13' 25"; Longitude: 80° 13' 8"). To construct and maintain a 90-ft. long, 16.5 ft. wide by 6-ft. concrete box culvert, depressed 1-ft. in a UNT to Chartiers Creek (WWF) with a drainage area of 2.36 square miles to replace the existing 5-ft. diameter culvert lined Pike Street Bridge (SR 1009). This project is coordinated with the approved adjoining Department of Transportation (E63-593) culvert replacement project. Both projects provide for road and safety improvements to the intersections of Racetrack Road (SR 1041), Pike Street (SR 1009) and Allison Hollow Road (T641). To compensate for some of the stream impacts, this permit also authorizes the removal of an existing utility line stream crossing across Laughlintown Run (HQ) located on the south side of SR 30 where it crosses Laughlintown Run in Ligonier Township, Westmoreland County.

E63-593. Department of Transportation, District 12-0, North Gallatin Avenue Extension, Uniontown, PA 15401. To construct a box culvert in Chartiers Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 17.9 inches; W: 13 inches, Latitude: 40° 13' 25"; Longitude: 80° 13' 08"). To construct and maintain a 90-ft. long, 16.5-ft. wide by 6-ft. concrete box culvert, depressed 1-ft. in a UNT to Chartiers Creek (WWF) with a drainage area of 2.36 square miles to replace the existing 5-ft. diameter culvert lined Pike Street (SR 1009) bridge. This project is coordinated with the proposed adjoining Chartiers Township (E63-592) stream relocation and culvert replacement project. Both projects provide for road and safety improvements to the intersections of Racetrack Road (SR 1041), Pike Street (SR 1009) and Allison Hollow Road (T641). To compensate for some of the stream impacts, this permits also authorizes the removal of an existing utility line stream crossing across Laughlintown Run (HQ) located on the south side of SR 30 where it crosses Laughlintown Run in Ligonier Township, Westmoreland County.

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

E43-337. Dominion Peoples, 5600 Community Center Drive, Gibsonia, PA 15044. Kimberly Drive Pipeline Installation. Liberty Township, **Mercer County**, ACOE Pittsburgh District. (Grove City Quadrangle, N: 41° 08' 03"; W: 80° 05' 48").

To install, operate and maintain 875 feet of 4-inch plastic pipe for a gas utility line by directional drilling under a wetland (PFO1C). Earth disturbance will be minimal (less than 0.02 acre) and outside of the wetland area. The line will run from North Liberty Drive to Kimberly Drive north of Brian Way. Installation of this structure was authorized by the Department of Environmental Protection Emergency Permit No. EP4306603

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, 6021.504, 6021.1101 and 6021.1102) 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> |
|------------------------|--|---------------|---------------------|---|-------------------------|
| 07-48-004 | MINRAD, Inc. P. O. Box 21170 Lehigh Valley, PA 18002-1170 Attn: Daniel J. Boek | Northampton | Hanover Township | Two ASTs storing highly hazardous substances | 12,500 gallons total |

SPECIAL NOTICES

Notice of Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act (53 P. S. § 4000.901)

The Department of Environmental Protection (DEP) hereby announces the following grants to counties under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.901), section 208 of the Waste Tire Recycling Act (35 P. S. § 6029.208) and Small Business and Household Pollution Prevention Act (35 P. S. §§ 6029.201—6029.209)

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the act, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P. S. §§ 6029.701 and 6029.702) the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

KATHLEEN MCGINTY,
Secretary

Act 101, Section 901 Planning Grants

| <i>Region</i> | <i>County</i> | <i>Applicant</i> | <i>Project Description</i> | <i>Grant Award</i> |
|---------------|-------------------|-------------------|--|--------------------|
| Southeast | Montgomery County | Montgomery County | Plan Revision | \$200,000 |
| Southwest | Cambria County | Cambria County | Recycling Program Feasibility Study | \$27,528 |

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2007, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|----------------------|--|------------------------------|
| Ronald Black | 2203 Greenmeadow Drive Macungie, PA 18062 | Testing |
| Diane Clerkin | 1114 Bergan Road Oreland, PA 19075 | Testing |
| George Curry | 505 Philmar Court Unit "D" Springfield, PA 19064 | Mitigation |
| Richard Delaney, Jr. | 275 Pioneer Road Franklin, PA 16323 | Testing |
| Tony Domingues | 582 North Krocks Road Allentown, PA 18106 | Testing |
| Harlan Glebe | 1370 Horseshoe Drive Blue Bell, 19422 | Testing |
| Joseph Hancaviz | 406 Cherry Hill Road Nazareth, PA 18064 | Testing |
| Ross Hartley | 115 Hospital Road Gettysburg, PA 17325 | Testing |

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|---|---|------------------------------|
| Brian Kampi | 2175 Ridge Drive Mars, PA 16046 | Testing |
| Anthony LaMastra A.B.E. Radiation Measurements Labs, Inc. | 1005 Old 22 Lenhartsville, PA 19534 | Testing and Laboratory |
| Stephen Maurer | 3633 Buttonwood Drive Doylestown, PA 18902 | Testing |
| Robert Meyer, Jr. | 247 Mine Bank Road Wellsville, PA 17365 | Testing |
| Lawrence Nies | 11021 May Road Wattsburg, PA 16442 | Testing |
| Rachelle Painter | 780 Pierson Run Road Pittsburgh, PA 15239 | Testing |
| Dominick Peda | 40 North Feathering Road Media, PA 19063 | Testing |
| Lynne Russell | 6 Woodledge Village Hawley, PA 18428 | Testing |
| Martin Smith U.S. Inspect, Inc. | 3650 Concorde Parkway Suite 100 Chantilly, VA 20151 | Laboratory |
| Frederick Steidl, III | 202 Ohio Avenue Wadsworth, OH 44281 | Mitigation |
| Deborah Urenovitch | 75 South Hunter Highway Drums, PA 18222 | Testing |

Notice of Public Hearing for NPDES Permit Application No. PAI023907010

Notice is hereby provided that the Department of Environmental Protection (Department) will hold a public hearing to accept comment on Individual National Pollutant Discharge Elimination System (NPDES) Permit Application No. PAI023907010 for the discharge of stormwater from construction activities at the proposed Stone Ridge Estates project, in Upper Milford Township, Lehigh County.

The public hearing will be conducted on October 17, 2007, at 7 p.m. in the Upper Milford Township Municipal Building at 5831 Kings Highway South, Old Zionsville, PA 18068-0210, by the Department, 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 Dino Daddona Sr., Double D. Lehigh, LP. The NPDES permit application proposes the discharge of stormwater from construction activities associated with the proposed Stone Ridge Estates project to the Saucon Creek (CWF) and a tributary to Saucon Creek (CWF with EVW) watersheds.

Individuals wishing to testify at the hearing should submit a written notice of such intent to: PAI023907010 NPDES Public Hearing, Department of Environmental Protection, Watershed 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 the NPDES Permit Application No. PAI023907010. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. All 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 of the Department 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 Lehigh County Conservation District office located at the Lehigh County Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA (610) 391-9583.

For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

[Pa.B. Doc. No. 07-1710. Filed for public inspection September 14, 2007, 9:00 a.m.]

Availability of *Great Lakes Mercury in Products Phase-Down Strategy* for Comment

The Commonwealth, in cooperation with the Great Lakes Regional Collaboration and neighboring Great Lakes states, announces the availability of the Draft *Great Lakes Mercury in Products Phase-Down Strategy* for public comment. The strategy, designed to significantly decrease the use of mercury in consumer products, calls for action in five product areas and five economic sectors through which consumers come into contact with mercury. These proposed actions include the following:

Actions in the consumer products areas:

- Working with dental facilities to use best management practices for handling mercury waste and work to reduce or eliminate the use of mercury in fillings;
- Banning the sale and installation of mercury-containing thermostats;
- Banning the sale of mercury-containing thermometers to the public, including to public schools;
- Banning the sale of mercury-containing switches, relays and measurement devices, establishing collection programs for existing products and banning the use of mercury-added products in classrooms for K-12 students; and
- Working for labeling and recycling of mercury-containing lamps, including car headlights and outdoor lighting.

Actions in the industry sectors:

- Banning the purchase and use of mercury-containing devices in school classrooms and health care areas;
- Working to increase the removal of mercury-containing devices from scrap metal and vehicles prior to crushing or melting operations, including increasing participation in the National Vehicle Mercury Switch Removal Program, in which the Commonwealth already takes part;
- Conducting outreach to heavy industry to promote mercury reduction projects;
- Working with the health care industry to reduce mercury use; and
- Working to expand household hazardous waste and electronics collections to make this service available to more households.

In an effort to reach all product lines and economic sectors, the proposed strategy calls for labeling all products containing mercury. Once the strategy is finalized, the Commonwealth and other states may adopt the overall proposal without agreeing to implement every recommendation included in the strategy.

The Great Lakes Regional Collaboration is a cooperative effort to implement strategies for the restoration, protection and sustainable use of the Great Lakes. Key partners of the Collaboration, in addition to the Commonwealth, include the Council of Great Lakes Governors, the Great Lakes and St Lawrence Cities Initiative, the Great Lakes Congressional Task Force, the Great Lakes Indian Fish and Wildlife Commission and the United States Environmental Protection Agency, Great Lakes National Program Office.

The strategy is available at glrc.us/initiatives/toxics/draftthghasedownstrategy.html. Comments should be submitted by October 27, 2007, to Debra Jacobson, Illinois Waste Management and Research Center/Illinois

Department of Natural Resources, 1010 Jorie Boulevard, Suite 12, Oakbrook, IL 60523 or djacobso@wmrc.uiuc.edu.

Questions on the draft strategy may be directed to Debra Jacobson at (630) 472-5019 or fax (630) 472-5023. Questions may also be directed to Sharon Trostle at (717) 783-1653; shtrostle@state.pa.us or Glenn Mitzel (717) 783-9448; gmitzel@state.pa.us, who represent the Commonwealth on the strategy team.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1711. Filed for public inspection September 14, 2007, 9:00 a.m.]

Bid Opportunities

GFCC59-08-01, Rattler Daylighting Reclamation Project, Morris Township, Tioga County. The principal items of work include day lighting a portion of the deep mine complex, recovering coal reserves including 1-foot and Bloss coal reserves, and the application of 2,500 tons per acre of lime or waste lime, replacement of spoil, regrading to AOC, construction of subsurface drains, construction of E & S controls, reforestation, construction of fencing and restoration of wildlife habitat. This project issues on September 14, 2007, and bids will be opened on October 23, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A mandatory prebid conference will be held on October 5, 2007, at 10:30 a.m. at the Morris Fire Hall. Contact Tom Koptchak at (814) 342-8140 for directions. The Department will proceed from the fire hall to the project site. 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. 07-1712. Filed for public inspection September 14, 2007, 9:00 a.m.]

Oil and Gas Technical Advisory Board Meeting Cancellation

The Oil and Gas Technical Advisory Board (Board) meeting scheduled for Wednesday, October 3, 2007, has been cancelled. Notice will be published in the *Pennsylvania Bulletin* when a new meeting date is established.

Questions concerning the Board or its next meeting may be directed to Carol Daniels, Bureau of Oil and Gas Management, at (717) 772-2199 or cardaniels@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1713. Filed for public inspection September 14, 2007, 9:00 a.m.]

Proposed Revisions to Pennsylvania's State Implementation Plan

Section 110 of the Federal Clean Air Act (CAA) requires states to develop State Implementation Plans (SIP) and programs to meet the National Ambient Air Quality

Standards (NAAQS) established by the United States Environmental Protection Agency (EPA) to protect public health and welfare. Section 110 of the CAA sets forth general elements for the implementation of SIPs. Section 110(a)(2) of the CAA requires states to submit SIP revisions to the Environmental Protection Agency (EPA) Administrator that provide for implementation, maintenance and enforcement of the NAAQS.

The Department of Environmental Protection (Department) is seeking comment on the following: (1) a SIP revision that confirms the Commonwealth's compliance with section 110(a)(2)(A)—(M) of the CAA (42 U.S.C.A. §§ 7410(a)(2)(A)—(M)) pertaining to general responsibilities; and (2) a SIP revision meeting the interstate transport requirements of section 110(a)(2)(D)(i) of the CAA (42 U.S.C.A. §§ 7410(a)(2)(D)(i)).

The first SIP revision for which the Department of Environmental Protection (Department) is seeking public comment addresses the requirements of section 110(a)(2)(A)—(M) of the CAA, the "Infrastructure SIP," which is a compilation of elements that demonstrate how the Commonwealth will demonstrate how the 8-hour ozone and fine particulate (PM_{2.5}) NAAQS are being implemented, maintained and enforced. The elements of the "Infrastructure SIP" revision, once approved by EPA, will provide a Federally enforceable written confirmation of how the Commonwealth will continue to comply with the section 110(a)(2) requirements of the CAA.

In July 1997, the EPA promulgated 8-hour ozone and PM_{2.5} NAAQS. Section 110(a)(1) of the CAA requires states to submit to the EPA Administrator a plan within 3 years after the promulgation of NAAQS a SIP revision, which provides for the implementation, maintenance and enforcement of the NAAQS. Implementation of the standards was delayed, however, due to subsequent litigation. On March 10, 2005, the EPA entered into a Consent Decree with the Environmental Defense Fund and the American Lung Association to address Section 110 SIP requirements. Subsequently, the EPA published a "Finding of Failure To Submit Section 110 State Implementation Plans for Interstate Transport for the National Ambient Air Quality Standards for 8-Hour Ozone and PM_{2.5}" at 70 FR 21147 (April 25, 2005). The EPA's finding effectively started a 24-month clock for the EPA to either issue a final Federal Implementation Plan to address the requirements of section 110(a)(2)(D)(i), (42 U.S.C.A. § 7410(a)(2)(D)(i)), or to approve a SIP revision addressing the interstate transport requirements.

The second SIP revision for which the Department is seeking comment addresses the interstate transport requirements of section 110(a)(2)(D)(i) of the CAA. This provision requires that States' SIPs contain adequate provisions prohibiting any source or any other type of emissions activity within the State from emitting any air pollutant in amounts that will contribute significantly to nonattainment in another State. Each SIP must also contain adequate provisions to prohibit air pollutant emissions within the State from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another State.

The proposed section 110(a)(2) SIP revisions are 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 Tuesday, October 16, 2007, at 1 p.m. at the Department of Environmental Protection Southcentral Regional Office, 909 Elmerton Avenue, Susquehanna Room A, Harrisburg, PA 17110.

Persons wishing to present testimony at the hearing on the proposed SIP revisions 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 limit testimony to 10 minutes and provide the Department with 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 yhouse@state.pa.us or (717) 787-9495. 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 October 16, 2007. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, or ashulman@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1714. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Apple Hill Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Apple Hill Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1715. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of Millcreek Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Millcreek Community Hospital has requested an exception to the requirements of 28 Pa. Code § 107.25(8) (relating to medical staff executive committee).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1716. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of The PMA Gastroenterology Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The PMA Gastroenterology Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1717. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of Surgery Center at Limerick for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center at Limerick has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 555.1, 557.4 and 567.2.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1718. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of 20/20 Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that 20/20 Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1719. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of West Chester Endoscopy, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Chester Endoscopy, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-1720. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application of Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following

publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 8.1.2.1 (relating to IBC Code for handicapped accessible patient toilets).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-1721. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

| <i>Contractor</i> | <i>Address</i> | <i>Date of Debarment</i> |
|---|---------------------------------------|--------------------------|
| 21st Century Framing, LLC and Tiffany M. Lynn, Individually | 5740 Wilkes Road Atwater, OH 44201 | 8/23/2007 |

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-1722. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Revisions; 2007 Power Mobility HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule and accompanying prior authorization requirements.

Fee Schedule Revisions

The Department is adding and end-dating procedure codes as a result of implementing the 2007 power mobility device procedure code updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The 2007 power mobility device HCPCS procedure codes are effective for dates of service on and after September 24, 2007.

Fees for the new power mobility device procedure codes will be published in an MA bulletin that will be issued to providers who prescribe and supply power mobility devices.

The 2007 power mobility device HCPCS procedure codes being added to the MA Program Outpatient Fee Schedule are as follows:

| <i>Procedure Codes</i> | | | |
|------------------------|-------------------|-------------------|-------------------|
| <i>E2373 (NU)</i> | <i>E2374 (NU)</i> | <i>E2375 (NU)</i> | <i>E2376 (NU)</i> |
| E2377 (NU) | E2381 (NU) | E2382 (NU) | E2383 (NU) |
| E2384 (NU) | E2385 (NU) | E2386 (NU) | E2387 (NU) |
| E2388 (NU) | E2389 (NU) | E2390 (NU) | E2391 (NU) |
| E2392 (NU) | E2393 (NU) | E2394 (NU) | E2395 (NU) |
| E2396 (NU) | K0733 (NU) | K0734 (NU) | K0735 (NU) |
| K0736 (NU) | K0737 (NU) | K0800 (NU) | K0800 (RR) |
| K0801 (NU) | K0801 (RR) | K0802 (NU) | K0802 (RR) |
| K0806 (NU) | K0806 (RR) | K0807 (NU) | K0807 (RR) |
| K0808 (NU) | K0808 (RR) | K0813 (NU) | K0813 (RR) |
| K0814 (NU) | K0814 (RR) | K0815 (NU) | K0815 (RR) |
| K0816 (NU) | K0816 (RR) | K0820 (NU) | K0820 (RR) |
| K0821 (NU) | K0821 (RR) | K0822 (NU) | K0822 (RR) |
| K0823 (NU) | K0823 (RR) | K0824 (NU) | K0824 (RR) |
| K0825 (NU) | K0825 (RR) | K0826 (NU) | K0826 (RR) |
| K0827 (NU) | K0827 (RR) | K0828 (NU) | K0828 (RR) |
| K0829 (NU) | K0829 (RR) | K0830 (NU) | K0830 (RR) |
| K0831 (NU) | K0831 (RR) | K0835 (NU) | K0835 (RR) |
| K0836 (NU) | K0836 (RR) | K0837 (NU) | K0837 (RR) |
| K0838 (NU) | K0838 (RR) | K0839 (NU) | K0839 (RR) |
| K0840 (NU) | K0840 (RR) | K0841 (NU) | K0841 (RR) |
| K0842 (NU) | K0842 (RR) | K0843 (NU) | K0843 (RR) |
| K0848 (NU) | K0848 (RR) | K0849 (NU) | K0849 (RR) |
| K0850 (NU) | K0850 (RR) | K0851 (NU) | K0851 (RR) |
| K0852 (NU) | K0852 (RR) | K0853 (NU) | K0853 (RR) |
| K0854 (NU) | K0854 (RR) | K0855 (NU) | K0855 (RR) |
| K0856 (NU) | K0856 (RR) | K0857 (NU) | K0857 (RR) |
| K0858 (NU) | K0858 (RR) | K0859 (NU) | K0859 (RR) |
| K0860 (NU) | K0860 (RR) | K0861 (NU) | K0861 (RR) |
| K0862 (NU) | K0862 (RR) | K0863 (NU) | K0863 (RR) |
| K0864 (NU) | K0864 (RR) | | |

The power mobility device HCPCS procedure codes being end-dated from the MA Program Outpatient Fee Schedule, which will no longer be compensable under the MA Program for services provided after September 23, 2007, are as follows:

| <i>Procedure Codes</i> | | | |
|------------------------|-------|-------|-------|
| E0997 | E0998 | E0999 | E2320 |
| K0090 | K0091 | K0092 | K0093 |
| K0094 | K0095 | K0096 | K0097 |
| K0099 | | | |

Prior Authorization Requirements

The following new 2007 power mobility device HCPCS procedure codes are for purchases of appliances or equipment that cost more than \$600 and therefore require prior authorization under section 443.6(b)(2) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(2)), as amended by the act of July 7, 2005 (P. L. 177, No. 42):

| <i>Procedure Code</i> | <i>Procedure Description</i> | <i>Pricing Modifier</i> |
|-----------------------|--|-------------------------|
| E2373 | Power wheelchair accessory, hand or chin control interface, miniproportional, compact, or short throw remote joystick or touchpad, proportional, including all related electronics and fixed mounting hardware | NU |
| E2375 | Power wheelchair accessory, nonexpandable controller, including all related electronics and mounting hardware, replacement only | NU |
| E2376 | Power wheelchair accessory, expandable controller, including all related electronics and mounting hardware, replacement only | NU |
| K0800 | Power operated vehicle, group 1 standard duty, patient weight capacity up to including 300 pounds | NU |
| K0801 | Power operated vehicle, group 1 heavy duty, patient weight capacity 301 to 450 pounds | NU |
| K0802 | Power operated vehicle, group 1 very heavy duty, patient weight capacity 451 to 600 pounds | NU |
| K0806 | Power operated vehicle, group 2 standard duty, patient weight capacity up to and including 300 pounds | NU |
| K0807 | Power operated vehicle, group 2 heavy duty, patient weight capacity 301 to 450 pounds | NU |
| K0808 | Power operated vehicle, group 2 very heavy duty, patient weight capacity 451 to 600 pounds | NU |
| K0813 | Power wheelchair, group 1 standard, portable, sling/solid seat and back, patient weight capacity up to and including 300 pounds | NU |
| K0814 | Power wheelchair, group 1 standard, portable, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0815 | Power wheelchair, group 1 standard, sling/solid seat and back, patient weight capacity up to and including 300 pounds | NU |
| K0816 | Power wheelchair, group 1 standard, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0820 | Power wheelchair, group 2 standard, portable, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0821 | Power wheelchair, group 2 standard, portable, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0822 | Power wheelchair, group 2 standard, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0823 | Power wheelchair, group 2 standard, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0824 | Power wheelchair, group 2 heavy duty, sling/solid seat/back, patient weight capacity 301 to 450 pounds | NU |
| K0825 | Power wheelchair, group 2 heavy duty, captain's chair, patient weight capacity 301 to 450 pounds | NU |
| K0826 | Power wheelchair, group 2 very heavy duty, sling/solid seat/back, patient weight capacity 451 to 600 pounds | NU |
| K0827 | Power wheelchair, group 2 very heavy duty, captain's chair, patient weight capacity 451 to 600 pounds | NU |
| K0828 | Power wheelchair, group 2 extra heavy duty, sling/solid seat/back, patient weight capacity 601 pounds or more | NU |
| K0829 | Power wheelchair, group 2 extra heavy duty, captain's chair, patient weight capacity 601 pounds or more | NU |

NOTICES

5095

| <i>Procedure Code</i> | <i>Procedure Description</i> | <i>Pricing Modifier</i> |
|-----------------------|--|-------------------------|
| K0830 | Power wheelchair, group 2 standard, seat elevator, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0831 | Power wheelchair, group 2 standard, seat elevator, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0835 | Power wheelchair, group 2 standard, single power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0836 | Power wheelchair, group 2 standard, single power option, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0837 | Power wheelchair, group 2 heavy duty, single power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | NU |
| K0838 | Power wheelchair, group 2 heavy duty, single power option, captain's chair, patient weight capacity 301 to 450 pounds | NU |
| K0839 | Power wheelchair, group 2 very heavy duty, single power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds | NU |
| K0840 | Power wheelchair, group 2 extra heavy duty, single power option, sling/solid seat/back, patient weight capacity 601 pounds or more | NU |
| K0841 | Power wheelchair, group 2 standard, multiple power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0842 | Power wheelchair, group 2 standard, multiple power option, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0843 | Power wheelchair, group 2 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | NU |
| K0848 | Power wheelchair, group 3 standard, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0849 | Power wheelchair, group 3 standard, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0850 | Power wheelchair, group 3 heavy duty, sling/solid seat/back, patient weight capacity 301 to 450 pounds | NU |
| K0851 | Power wheelchair, group 3 heavy duty, captain's chair, patient weight capacity 301 to 450 pounds | NU |
| K0852 | Power wheelchair, group 3 very heavy duty, sling/solid seat/back, patient weight capacity 451 to 600 pounds | NU |
| K0853 | Power wheelchair, group 3 very heavy duty, captain's chair, patient weight capacity, 451 to 600 pounds | NU |
| K0854 | Power wheelchair, group 3 extra heavy duty, sling/solid seat/back, patient weight capacity 601 pounds or more | NU |
| K0855 | Power wheelchair, group 3 extra heavy duty, captain's chair, patient weight 601 pounds or more | NU |
| K0856 | Power wheelchair, group 3 standard, single power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0857 | Power wheelchair, group 3 standard, single power option, captain's chair, patient weight capacity up to and including 300 pounds | NU |
| K0858 | Power wheelchair, group 3 heavy duty, single power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | NU |
| K0859 | Power wheelchair, group 3 heavy duty, single power option, captain's chair, patient weight capacity 301 to 450 pounds | NU |
| K0860 | Power wheelchair, group 3 very heavy duty, single power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds | NU |
| K0861 | Power wheelchair, group 3 standard, multiple power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | NU |
| K0862 | Power wheelchair, group 3 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | NU |
| K0863 | Power wheelchair, group 3 very heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds | NU |

| <i>Procedure Code</i> | <i>Procedure Description</i> | <i>Pricing Modifier</i> |
|-----------------------|--|-------------------------|
| K0864 | Power wheelchair, group 3 extra heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 601 pounds or more | NU |

The following new 2007 power mobility device HCPCS procedure codes will require prior authorization after 3 months of rental as provided for in section 443.6(b)(3) of the code, as amended by the act of July 7, 2005 (P. L. 177, No. 42):

| <i>Procedure Code</i> | <i>Procedure Description</i> | <i>Pricing Modifier</i> |
|-----------------------|--|-------------------------|
| K0800 | Power operated vehicle, group 1 standard duty, patient weight capacity up to including 300 lbs | RR |
| K0801 | Power operated vehicle, group 1 heavy duty, patient weight capacity 301 to 450 pounds | RR |
| K0802 | Power operated vehicle, group 1 very heavy duty, patient weight capacity 451 to 600 pounds | RR |
| K0806 | Power operated vehicle, group 2 standard duty, patient weight capacity up to and including 300 pounds | RR |
| K0807 | Power operated vehicle, group 2 heavy duty, patient weight capacity 301 to 450 pounds | RR |
| K0808 | Power operated vehicle, group 2 very heavy duty, patient weight capacity 451 to 600 pounds | RR |
| K0813 | Power wheelchair, group 1 standard, portable, sling/solid seat and back, patient weight capacity up to and including 300 pounds | RR |
| K0814 | Power wheelchair, group 1 standard, portable, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0815 | Power wheelchair, group 1 standard, sling/solid seat and back, patient weight capacity up to and including 300 pounds | RR |
| K0816 | Power wheelchair, group 1 standard, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0820 | Power wheelchair, group 2 standard, portable, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0821 | Power wheelchair, group 2 standard, portable, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0822 | Power wheelchair, group 2 standard, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0823 | Power wheelchair, group 2 standard, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0824 | Power wheelchair, group 2 heavy duty, sling/solid seat/back, patient weight capacity 301 to 450 pounds | RR |
| K0825 | Power wheelchair, group 2 heavy duty, captain's chair, patient weight capacity 301 to 450 pounds | RR |
| K0826 | Power wheelchair, group 2 very heavy duty, sling/solid seat/back, patient weight capacity 451 to 600 pounds | RR |
| K0827 | Power wheelchair, group 2 very heavy duty, captain's chair, patient weight capacity 451 to 600 pounds | RR |
| K0828 | Power wheelchair, group 2 extra heavy duty, sling/solid seat/back, patient weight capacity 601 pounds or more | RR |
| K0829 | Power wheelchair, group 2 extra heavy duty, captain's chair, patient weight capacity 601 pounds or more | RR |
| K0830 | Power wheelchair, group 2 standard, seat elevator, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0831 | Power wheelchair, group 2 standard, seat elevator, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0835 | Power wheelchair, group 2 standard, single power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0836 | Power wheelchair, group 2 standard, single power option, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0837 | Power wheelchair, group 2 heavy duty, single power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | RR |

| <i>Procedure Code</i> | <i>Procedure Description</i> | <i>Pricing Modifier</i> |
|-----------------------|--|-------------------------|
| K0838 | Power wheelchair, group 2 heavy duty, single power option, captain's chair, patient weight capacity 301 to 450 pounds | RR |
| K0839 | Power wheelchair, group 2 very heavy duty, single power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds | RR |
| K0840 | Power wheelchair, group 2 extra heavy duty, single power option, sling/solid seat/back, patient weight capacity 601 pounds or more | RR |
| K0841 | Power wheelchair, group 2 standard, multiple power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0842 | Power wheelchair, group 2 standard, multiple power option, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0843 | Power wheelchair, group 2 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | RR |
| K0848 | Power wheelchair, group 3 standard, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0849 | Power wheelchair, group 3 standard, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0850 | Power wheelchair, group 3 heavy duty, sling/solid seat/back, patient weight capacity 301 to 450 pounds | RR |
| K0851 | Power wheelchair, group 3 heavy duty, captain's chair, patient weight capacity 301 to 450 pounds | RR |
| K0852 | Power wheelchair, group 3 very heavy duty, sling/solid seat/back, patient weight capacity 451 to 600 pounds | RR |
| K0853 | Power wheelchair, group 3 very heavy duty, captain's chair, patient weight capacity, 451 to 600 pounds | RR |
| K0854 | Power wheelchair, group 3 extra heavy duty, sling/solid seat/back, patient weight capacity 601 pounds or more | RR |
| K0855 | Power wheelchair, group 3 extra heavy duty, captain's chair, patient weight 601 pounds or more | RR |
| K0856 | Power wheelchair, group 3 standard, single power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0857 | Power wheelchair, group 3 standard, single power option, captain's chair, patient weight capacity up to and including 300 pounds | RR |
| K0858 | Power wheelchair, group 3 heavy duty, single power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | RR |
| K0859 | Power wheelchair, group 3 heavy duty, single power option, captain's chair, patient weight capacity 301 to 450 pounds | RR |
| K0860 | Power wheelchair, group 3 very heavy duty, single power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds | RR |
| K0861 | Power wheelchair, group 3 standard, multiple power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds | RR |
| K0862 | Power wheelchair, group 3 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds | RR |
| K0863 | Power wheelchair, group 3 very heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds | RR |
| K0864 | Power wheelchair, group 3 extra heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 601 pounds or more | RR |

Fiscal Impact

It is anticipated that these revisions will result in costs of \$0.138 million (\$0.064 million in State funds) in the MA Outpatient Program in Fiscal Year 2007-2008 and annualized costs of \$0.237 million (\$0.109 million in State funds) in Fiscal Year 2008-2009.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-520. (1) General Fund:

| | MA-Outpatient |
|--|---------------|
| (2) Implementing Year 2007-08 is | \$64,000 |
| (3) 1st succeeding Year 2008-09 is | \$109,000 |
| 2nd succeeding Year 2009-10 is | \$109,000 |
| 3rd succeeding Year 2010-11 is | \$109,000 |
| 4th succeeding Year 2011-12 is | \$109,000 |
| 5th succeeding Year 2012-13 is | \$109,000 |
| (4) 2006-07 Program— | \$671,472,000 |
| 2005-06 Program— | \$945,950,000 |
| 2004-05 Program— | \$842,991,000 |
| (7) Medical Assistance Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases. | |

[Pa.B. Doc. No. 07-1723. Filed for public inspection September 14, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Elk County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Acting Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning the construction of a new bridge to replace the existing Irwin Run Bridge carrying SR 3002 over Irwin Run in Spring Township, Elk County, PA.

Information describing the project together with the associated environmental analysis is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation (CEE/Section 2002) that was prepared for this project. The document is available in the CEE/EA Expert System.

The Irwin Run Bridge has been determined eligible for the National Register of Historic Places; therefore, it is a Section 2002/Section 4(f) resource. Impact to this resource will constitute a use of the Section 2002/Section 4(f) resource.

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

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

BRIAN G. THOMPSON, P. E.,
Acting Director, Bureau of Design

[Pa.B. Doc. No. 07-1724. Filed for public inspection September 14, 2007, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The September 18, 2007, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for October 16, 2007, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the October 16, 2007, meeting will be available on the Department of Environmental Protection's website at www.depweb.state.pa.us (DEP Keywords: EQB).

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 07-1725. Filed for public inspection September 14, 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 Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these

comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--|---|-----------------------------|
| 6-305 | State Board of Education Special Education Services and Programs 37 Pa.B. 2961 (June 30, 2007) | 6/30/07 | 8/29/07 |

—————
State Board of Education
Regulation #6-306 (IRRC #2618)

Special Education Services and Programs

August 29, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the June 30, 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 State Board of Education (Board) to respond to all comments received from us or any other source.

1. Section 14.101. Definitions.—Consistency with statute; Clarity.

Early intervention services

The existing definition correctly states that this term is “as defined in the Act.” The Board is proposing to add language to this definition. However, the additional language does not fully reflect all of the language in the Act’s definition (Early Intervention Services System Act (Act) (11 P. S. §§ 875-101—875-503)). Therefore, we recommend either retaining the current definition, or alternatively reiterating all of the Act’s definition in the regulation.

Certificated staff member

This term is not defined, but is used in Section 14.105(a). The Board should add a definition for this term.

Definitions in other sections

Sections 14.105, 14.131 and 14.133 contain definitions that relate to those sections. Why weren’t these definitions included in Section 14.101?

2. Section 14.104. Special education plans.—Need; Clarity.

Subsection (e)

Why has the time period for developing an early intervention special education plan been changed from 3 years to every year?

Subsection (i)

This subsection mentions that each school entity shall maintain “information concerning students with disabilities.” This term is too vague, and language should be added to specify what information school entities must maintain.

3. Section 14.105. Personnel.—Need; Reasonableness; Implementation procedure; Economic and fiscal impact; Protection of the public welfare.

Instructional paraprofessional

Subsection (a) adds specific qualifications that must be met by an “instructional paraprofessional.” There are four concerns.

First, the Board states in its Regulatory Analysis Form (Number (14)) that there are several thousand paraprofessionals working with students with disabilities, and there is the possibility that some may need to be reassigned or could lose their jobs. While we recognize the overall intent is to improve the quality of education, the Board has not sufficiently explained the impact of the new qualifications. The Board should explain the anticipated impact of the qualifications on the number of available instructional paraprofessionals and whether there will be enough qualified paraprofessionals to adequately serve the needs of students with disabilities.

Second, several commentators questioned the need for these qualifications. The Board should further explain why these qualifications are necessary. Additionally, given that this proposed regulation was published in the June 30, 2007 *Pennsylvania Bulletin*, the Board should explain why the implementation dates of July 1, 2008, and July 1, 2010, are reasonable.

Third, in the Preamble to the regulation, the Board recognizes that: “[t]he most significant potential cost factor is that of establishing minimum requirements on the qualifications of instructional paraprofessionals who provide support to a student with disabilities under the direction of a classroom teacher in § 14.105.” The Board should further quantify these costs, both to the individuals who must meet the new qualifications and to the school districts that must hire them and pay their salaries.

Finally, the Board should review the qualifications and deadlines specified in the regulation for instructional paraprofessionals hired before July 1, 2008. The regulation requires them to qualify by meeting the standards of academic assessments specified in Paragraphs (3) or (4) b July 1, 2010. If a person needs additional education to pass the assessment, can he or she reasonably meet the July 1, 2010 deadline? Also, if a person fails the assessment, can he or she take it a second or third time?

Educational interpreter

Subsection (c)(1) specifies a passing score of 3.5 on the Educational Interpreter Performance Assessment. How did the Board determine that 3.5 is the appropriate test score for educational interpreters? What effect will this have on the availability of educational interpreters?

Other interpreting methods

Also relating to Subsections (c) and (d), several commentators questioned why Computer Aided Realtime Translation (CART) was not included in the proposed rulemaking. Given that the Board set standards for educational interpreters, are standards available for CART and would it be appropriate for the Board to also set standards for CART?

Formatting of Subsection (e)

The formatting of Subsection (e) differs between the version submitted by the Board and the version published in the June 30, 2007 *Pennsylvania Bulletin*. The Board’s version shows three definitions, a chart and then other provisions. The *Pennsylvania Bulletin* version reformats and relocates some of these provisions. We note that the following three comments reference the *Pennsylvania*

Bulletin version, as best as possible. In the submittal and publication of the final-form regulation, this formatting should be reviewed.

Maximum caseload

Subsection (e)(ii)(A) is a chart of the maximum caseload allowed on a single teacher's roll for each school district. What will be the fiscal impact to schools of the proposed changes to the caseload chart? How did the Board determine the maximum caseloads, including the Level IV caseload and the Level II caseload?

Supplemental Services

As printed in the June 30, 2007 *Pennsylvania Bulletin*, this definition is located at the end of Section 14.105. In the final-form regulation, this definition should be included with the other definitions listed at the beginning of Subsection (e).

Itinerant services

Subsection (e)(D) references "itinerant services." This term is not defined, as the term "itinerant" was removed from § 14.141 in the proposed rulemaking. The final-form regulation should provide a definition for this type of service.

4. Section 14.106. Access to instructional materials.—Reasonableness; Clarity.

Vague language

Subsections (a), (b), (c) and (d) use the vague term "timely." The interpretation of this term is subjective and does not give the regulated community guidance regarding how to comply with this standard. This term should be replaced with clear time requirements.

5. Section 14.107. Complaint Procedure.—Clarity.

Notice

This section includes the requirement for the Pennsylvania Department of Education (Department) to establish a complaint procedure "consistent with 34 CFR 300.151—300.153" and disseminate notice of the complaint procedure. Since the federal regulation also indicates to whom notice should be disseminated, the final-form regulation should also reflect that requirement.

6. Section 14.122. Screening.—Clarity.

Appropriate instruction in math

Paragraph (c)(1) requires "verification that the student was provided with . . . appropriate instruction in math." We note that within Paragraph (1) the verification for reading includes the essential components of reading instruction. However, that same paragraph does not specify any criteria to evaluate appropriate math instruction. The final-form regulation should specify what constitutes "appropriate instruction in math."

Research-based intervention

Paragraph (c)(4) requires "research-based intervention" to increase the student's rate of learning. This phrase also appears in Sections 14.125(a)(2)(i) and (a)(2)(i)(B). There are two concerns. First, it is not clear what a "research-based" intervention is. Second, if a criterion of "research-based" intervention is used, would it have to be approved or sanctioned by the Board as effective? The regulation should more clearly specify what intervention is acceptable.

7. Section 14.123. Evaluation.—Clarity.

Professional employee or administrator

Subsection (c) states: "[i]f a request is made orally to any professional employee or administrator of the school entity, that individual shall provide a copy of the evaluation request form. . . ." Since neither the term "professional employee" nor "administrator" is defined, it is unclear who specifically has this responsibility. The regulation should specifically designate who has this responsibility within the school so that school entities can comply and parents clearly know to whom they must make an oral request.

8. Section 14.125. Criteria for the determination of specific learning disabilities.—Clarity.

Qualified personnel

Subsection (a)(4)(i) refers to "qualified personnel." Since there are many different variations for what is "qualified," the term as used is vague and should be defined.

9. Section 14.132. ESY.—Reasonableness; Clarity.

Parent notification

Paragraph (d)(1) requires parent notification to ensure their participation, but does not specify how far in advance that notice must be issued. We recommend adding a minimum lead time for notice to provide sufficient opportunity for parent participation.

Also, the regulation requires notice to parents to "ensure" their participation. The term "ensure" means "to guarantee" or "make certain of." Therefore, as written, we question how the school entity could accomplish this standard. We recommend replacing the term "ensure" with another term.

Vague language

Subsection (e) uses the phrase "timely manner." This phrase should be replaced with clear time requirements.

10. Section 14.133. Behavior support.—Protection of the public health, safety and welfare; Need; Reasonableness; Feasibility; Clarity.

Restraints in general

The proposed amendments relating to restraints in Section 14.133 have resulted in substantial public comment and concern. The public concerns include issues related to face down prone restraints, the 30 consecutive second time period and any use of restraints at all. We recognize that the proposed provisions are intended to impose limitations on the use of restraints and require disclosure if they are used. However, there are troubling aspects related to the use of restraints in general. Therefore, the Board needs to provide an overall explanation of restraints and how the use of restraints as described in the regulation meets the criteria of protection of the public health, safety and welfare; need; and reasonableness. We will review this explanation, as well as the Board's response to commentators, to determine whether the final regulation is in the public interest.

Definition of "positive techniques"

This definition in Subsection (b) lacks clarity because it uses the term being defined in the definition. This definition should be rewritten for clarity.

Definition of "restraints"

We have three concerns with this definition in Subsection (b). First, while we do not believe this was intended, the inclusion of the phrase "that last longer than 30

consecutive seconds” in the definition technically means a device is only a restraint during its use after 30 consecutive seconds. The definition should identify what specifically is a restraint. Substantive provisions and time specifications should be located in the body of the regulation.

Second, why is a time period of 30 consecutive seconds needed? The Board needs to explain the basis for choosing “30 consecutive seconds” and why it is a safe and appropriate time limit.

Third, this provision appears to be unenforceable and impractical. Commentators observed that repeated use of these devices would be permitted as long as 30 consecutive seconds was never exceeded. Given the circumstances envisioned, such as aggressive behavior, how would the 30 consecutive second time period be measured, documented and enforced?

Parental notification

Subsection (c)(1) states:

When there is evidence to suggest that the emergency use of restrictive procedures, such as restraints may be necessary to ensure a student’s safety or the safety of others, parental consent **should** be obtained. If a restrictive procedure is needed on an emergency basis, parents **should** be informed and consent for future uses be obtained within 10 school days following the need for the use of a restrictive procedure. The need for restrictive procedures for safety **should** be noted in the student’s IEP. (Emphasis added.)

There are three concerns. First, the term “should” is nonregulatory language which indicates that these provisions are optional. It is inappropriate to include optional provisions in a regulation. Regulations establish binding norms of general applicability and future effect. These provisions need to be rewritten to set clear compliance standards.

Second, this provision requires parental consent for future use of restraints “within 10 school days” of the use of an emergency restraint. However, it is not clear when parents are to be notified of the use of the emergency restraint. Does the 10 school day period apply? The final-form regulation should clarify the time frame for and required form of parental notice.

Finally, related to our first concern, Subsection (c)(1) states that: “[t]he need for restrictive procedures for **safety should be noted** in the student’s IEP.” (Emphasis added.) However, subsection (c)(2) refers to restraints and the “[**explicit provisions** of the existing IEP.” (Emphasis added.) The regulation needs to specify whether it is necessary to detail restraint procedures in the IEP.

Face down prone restraints

Subsection (e) states:

The use of face down prone restraints is prohibited in educational programs, unless determined necessary by a physician and documented in the student’s current IEP.

We have three concerns. First, the regulation prohibits the use of face down prone restraints, but allows an exception if “determined necessary by a physician and documented in the student’s IEP.” If a physician determined this type of restraint is necessary and it could be documented in the student’s IEP, can a school entity still find this type of restraint to be unacceptable or too hazardous?

Second, the Board should explain how the restrained person’s health, safety and welfare would be adequately protected by the school entity staff.

Third, the regulation allows any physician to make the determination that restraint is necessary. Why doesn’t the regulation require a determination by the student’s personal physician?

11. Section 14.145. LRE Requirements.—Clarity.

“To the maximum extent and as provided in the IEP”

Paragraph (a)(1) provides that each school entity shall ensure that “to the maximum extent and as provided by the IEP, the student with a disability is educated with students who are not disabled.” The Individuals with Disabilities Education Act (IDEA) requires that “to the maximum extent **appropriate**, children with disabilities . . . are educated with children who are not disabled . . .” (20 USC 1412(a)(5)(A)) (Emphasis added.) The associated federal regulation also requires public agencies to ensure that “to the maximum extent **appropriate**, children with disabilities . . . are educated with children who are nondisabled.” (34 CFR. 114(a)(2)(ii)) (Emphasis added.) There were public comments submitted both in favor of the Board’s language and questioning the Board’s language. The Board should explain why it has not included the word “appropriate” in Paragraph (a)(1).

Paragraph (a)(2)

A commentator noted that words appear to be missing from this paragraph. We agree that this provision is not clear. The Board should review this provision and make corrections as appropriate.

If the child can . . . make progress in the goals included in the student’s IEP

Paragraph (a)(3) states:

A student may not be determined to require separate education because the child cannot achieve at the same level as classmates who do not have disabilities if the child can, with supplementary aids and services, make progress in the goals included in the student’s IEP.

A commentator is concerned that this provision could be interpreted to allow minimal progress in an IEP to be used as justification to keep a student in a regular education classroom. The Board should explain who makes the determination that the student “can make progress, with supplementary aids and services” and how that progress will be evaluated.

12. Section 14.155. Range of services.—Clarity.

Subsection (a)

Based upon the location of the brackets, it is unclear what provisions the Board intends to delete from this regulation. As published in the *Pennsylvania Bulletin*, the proposed amendment makes the provision repetitive. The final-form regulation should be more specific as to what provisions are intended to remain in this subsection.

13. Miscellaneous Clarity

The following is a list of vague language in the regulation. The Board should clarify this language in the final-form regulation.

- Section 14.106(c) and (e) use the phrase “reasonable steps.”
- Section 14.108 states that parents will have “reasonable access” to classrooms.

- Section 14.122(c)(3) mentions “systematic observation.”
- Section 14.124(b) mentions “reasonable efforts” to obtain parental consent.
- Section 14.133(a) mentions “demeaning treatment” and “aversive techniques.”

Finally, under Section 14.131(a)(1)(iii), a comma should be added between the words “communication” and “accessing” in the first sentence.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1726. Filed for public inspection September 14, 2007, 9:00 a.m.]

Notice of Filing of Final Rulemaking

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

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

Final-Form

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 17-73 | Municipal Police Officers’ Education and Training Commission Administration of the Training Program | 8/31/07 | 10/4/07 |

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1727. Filed for public inspection September 14, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

The Medical Protective Company has filed an application for approval to acquire control of Millennium Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1402—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company

Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1728. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application for Approval to Acquire Control

VO Acquisition, LLC has filed an application for approval to acquire control of Value Behavioral Health of Pennsylvania, Inc., a Pennsylvania domiciled risk assuming preferred provider organization that is not a licensed insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1402—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1729. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application and Request for a Certificate of Authority

Perini Services/Southampton Manor Limited Partnership has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Shippensburg Health Care Center in Shippensburg, PA. The initial filing was received on August 14, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 1302—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1730. Filed for public inspection September 14, 2007, 9:00 a.m.]

Application for Voluntary Surrender of Certificate

Urban Insurance Company of Pennsylvania, a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1731. Filed for public inspection September 14, 2007, 9:00 a.m.]

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Acting Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List

Amusements

Amusement Parks and their Devices
Recreational and Sporting Events
Special Short Term Events
Theatrical Presentations

Aviation

Fixed Base Operations
Chemical Spray and/or Drift
Day Care Centers Liability, including Sexual Abuse Coverage
Demolition Contractors Liability
Firework Sales/Manufacturing
Flood Insurance not provided under Federal Flood Insurance
Hunting Clubs
Kidnapping, Ransom and Extortion Insurance
Liquor Liability—Monoline
Medical Malpractice Liability with or without related General Liability Coverages
Nursing Home Liability with or without other Affiliated Elder Care Services
Railroad
Real-Estate Environmental Impairment Coverage
Security/Detective/Patrol Agencies
Taxicab Liability
Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 36 Pa.B. 2346 (May 13, 2006) and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, e-mail cbybee@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1732. Filed for public inspection September 14, 2007, 9:00 a.m.]

Keystone Health Plan Central; Experience Rating Methodology; Filing No. 07-II; Rate Filing

On August 28, 2007, Keystone Health Plan Central submitted to the Insurance Department (Department) for its review and approval a Large Group Rating Methodology for groups with 100 or more contracts.

This filing will impact approximately 37,000 members. An effective date of February 1, 2008, has been requested.

Unless formal administrative action is taken prior to November 29, 2007, the subject filing may be deemed approved by operation of law.

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

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1733. Filed for public inspection September 14, 2007, 9:00 a.m.]

United Services Automobile Association and USAA Casualty Insurance Company; Homeowners Rate Revision; Rate Filing

On August 28, 2007, the Insurance Department (Department) received from United Services Automobile Association and USAA Casualty Insurance Company a filing for a rate level revision for Homeowners insurance.

United Services Automobile Association requests an overall 14.0% decrease amounting to \$4,476,000 annually, to be effective December 31, 2007.

USAA Casualty Insurance Company requests an overall 0.0% change, to be effective December 31, 2007.

Unless formal administrative action is taken prior to October 27, 2007, the subject filing may be deemed approved by operation of law.

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

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

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1734. Filed for public inspection September 14, 2007, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-07-181, Dated July 9, 2007. Authorizes the Memorandum of Agreement between the Commonwealth and the UFCW for the rank and file liquor clerks unit (M1). The Memorandum of Agreement provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-182, Dated July 9, 2007. Authorizes the Memorandum of Intent between the Commonwealth and ISSU for the first-level supervisory unit (M2). The Memorandum of Intent provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-183, Dated July 9, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and the OPEIU Healthcare Pennsylvania for the first-level supervisory unit (P5). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-184, Dated July 9, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and the Pennsylvania Social Services Union,

Local 668 SEIU for the F5 bargaining unit. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-185, Dated July 9, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and AFSCME supervisory units effective July 1, 2007, through June 30, 2011.

Resolution #CB-07-186, Dated July 9, 2007. Authorizes the Memorandum of Agreement between the Commonwealth and the FOP-LCB for the liquor law enforcement officers unit (K4). The Memorandum of Agreement provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-187, Dated July 9, 2007. Authorizes the Memorandum of Agreement between the Commonwealth and the FOSCEP for the rank and file unit (C4). The Memorandum of Agreement provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-188, Dated July 9, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and the FOSCEP for the first-level supervisory unit (C5). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-200, Dated July 25, 2007. Authorizes side letters of agreement with the employee unions representing employees affected by the budget impasse furloughs. The side letters authorize paid time off for the day of July 9, 2007, for all employees who would otherwise have been scheduled to work that day. The paid time off will not count as hours worked for overtime purposes, nor will it replace other paid leaves that were previously approved.

Resolution #CB-07-208, Dated August 16, 2007. Authorizes the implementation of the Collective Bargaining Agreement between the Commonwealth and District 1199P, the Service Employees International Union effective July 1, 2007, through June 30, 2011.

Resolution #CB-07-220, Dated August 16, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and Unemployment Compensation Referrees first-level supervisory unit (15). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-221, Dated August 16, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and the OPEIU Healthcare Pennsylvania for the first-level supervisory unit (P5). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-222, Dated August 21, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and the Independent State Store Union (ISSU) for the first-level supervisory unit (M2). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #OR-07-206, Dated August 21, 2007. Authorizes the request to combine the Deputy Commissioner of Administration and the Deputy Commissioner of Professional Responsibility Deputates into one Deputate named the Deputy Commissioner of Administration and Professional Responsibility.

Resolution #OR-07-208, Dated August 21, 2007. Authorizes the Consolidation of the Bureau of Human Resources' five current divisions into four divisions by abolishing the Personnel Administration and Benefits Division; renaming the Employee Relations and Safety Division to the Employee Relations, Services and Safety Division; and renaming the Classification and Staffing Division to the Organization Management and Staffing Services Division.

Resolution #OR-07-209, Dated August 21, 2007. Authorizes the reorganization of the Department of Education, within the Office of Postsecondary/Higher Education, by renaming the Equal Educational Opportunity Office to the Office of Access Initiatives; renaming the Bureau of Teacher Certification and Preparation to the Bureau of School Leadership and Teacher Quality; establishing the Division of Teacher Quality; renaming the Division of Candidate Evaluation Services to the Division of Certification Services; and renaming the Division of Teacher Education to the Division of Professional Education.

Governor's Office

Management Directive No. 205.38—Procedures for Safe Assembly of Commonwealth Employees During Emergency Evacuation of Commonwealth Facilities Dated July 5, 2007.

Management Directive No. 210.13—Retention and Disposition of Records Created on Electronic Mail (E-mail) Systems, Amended August 7, 2007.

Management Directive No. 505.33—Working From Home During Emergencies Including a Pandemic Influenza Event, Dated August 7, 2007.

Administrative Circular No. 07-08—Revised Revenue Estimates, 2007-08 Fiscal Year, Dated July 17, 2007.

Administrative Circular No. 07-09—Availability-Commonwealth Telephone Directory, Dated July 18, 2007.

Administrative Circular No. 07-10—Revenue Estimates, 2008-09 Fiscal Year, Dated July 31, 2007.

MARY JANE PHELPS,
Director, Pennsylvania Bulletin

[Pa.B. Doc. No. 07-1735. Filed for public inspection September 14, 2007, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Container Costs

Under the Milk Marketing Law (31 P.S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area Nos. 1—6

on October 3, 2007, at 1 p.m. in Meeting Rooms 1 and 2 of the Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning container costs and their effects on minimum wholesale and retail prices. Evidence will be based on a representative cross section of milk dealers doing business in each of the Milk Marketing Areas. Evidence will be based on July 2007 invoices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 20, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 20, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, such as, email or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on September 25, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses, there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 1, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 2 p.m. on September 28, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-1736. Filed for public inspection September 14, 2007, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Enhanced All-Hazard Mitigation Plan; Comment Period

Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Pub. L. No. 106-390, October 30, 2000, and 44 CFR 201.3(c)(2) (relating to responsibilities), the Pennsylvania Emergency Management Agency (Agency) gives notice that the Commonwealth of Pennsylvania Enhanced All-Hazard Mitigation Plan (Plan) providing for the Statewide hazard mitigation is available for public notice and opportunity to comment.

The Plan is on file with the Agency. Persons may receive a copy of the Plan by requesting a copy from the Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110, (717) 651-2726, fax (717) 651-2040, dbollinger@state.pa.us. The Plan is also available at the Agency's website: www.pema.state.pa.us. Persons who wish to comment may do so by sending a letter by mail, e-mail or facsimile to the address listed previously.

The closing date for comments is September 30, 2007. Comments received by the Agency will be reviewed prior to final adoption of the Plan.

ROBERT P. FRENCH
Director

[Pa.B. Doc. No. 07-1737. Filed for public inspection September 14, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
August 30, 2007

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice-Chairperson; Terrance J. Fitzpatrick; Tyrone J. Christy; Kim Pizzingrilli

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Hope Transportation, Inc.;
A-00119351; A-00119351C0701

Opinion and Order

By the Commission

Before us for consideration is the Petition for Reinstatement of Certificate of Public Convenience (Petition) filed

on June 15, 2007, by Hope Transportation, Inc., (Petitioner). No Response to the Petition has been filed.

History of the Proceeding

On March 6, 2007, the Commission's Bureau of Transportation and Safety (BTS) instituted a Complaint against the Petitioner, alleging that the Petitioner failed to pay outstanding assessments of \$1,408, a violation of section 510(c) of the Public Utility Code (Code), 66 Pa.C.S. § 510(c). The Complaint, with notice appended thereto, was served on the Petitioner on March 27, 2007. The Complaint advised the Petitioner that if an Answer were not filed within twenty days, BTS would request that the Commission impose the proposed penalty. The proposed penalty included cancellation of the Petitioner's Certificate of Public Convenience (Certificate).

Our Order issued herein on June 5, 2007, noted that the Petitioner had failed to file an answer to the Complaint. Accordingly, that Order, *inter alia*, cancelled the Petitioner's Certificate.

On June 15, 2007, the Petitioner filed the instant Petition requesting reinstatement of its Certificate.

Discussion

It is well settled that decisions such as whether to grant a Petition for Reinstatement are left to the Commission's discretion and will be reversed only if that discretion is abused. *Hoskins Taxi Service v. Pa. PUC*, 486 A.2d 1030 (Pa. Cmwlth. 1985). In ruling upon a petition for reinstatement, it is incumbent upon this Commission to examine all relevant factors in order to reach an equitable result. *Medical Transportation, Inc.*, 57 Pa. P.U.C. 79 (1983).

The Commission has identified five factors which are particularly relevant to the determination of a petition to reinstate: (1) the amount of time which elapsed between the cancellation of the certificate of public convenience and the filing of the petition to reinstate; (2) whether the petitioner has a record of habitually violating the Public Utility Code; (3) the reasonableness of the excuse given for the violation that caused the certificate to be cancelled, *Re: Bishop*, 58 Pa.P.U.C. 519 (1984); (4) whether the petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the subject complaint, *Pa.P.U.C. v. Grimm Motors*, Docket No. A-00111048, *et al.* (May 1, 1998); and (5) whether the petitioner is in compliance with the requirement that all assessments must be current prior to reinstatement, *Re: M.S. Carriers, Inc.*, Docket No. A-00110601 (May 4, 1999).

We note that, although the sole reason for the cancellation of the Petitioner's Certificate was the Petitioner's failure to pay its outstanding assessments, we find it necessary to evaluate all five factors in deciding whether to grant or deny the Petition.

The first factor relevant to the determination of a petition for reinstatement is the amount of time a certificate remains dormant. When the period of dormancy is short, reinstatement can be treated solely as a matter between a petitioner and the Commission. *Application of Michael LoRusso, t/d/b/a Elegance Limousine Service*, 1999 Pa.P.U.C. LEXIS 14, *5 (1999). The longer this period becomes, the more likely it is that another carrier would rely on the cancellation as being permanent and formulate plans to fulfill the dormant service. *Id.*

The Petitioner contends that it filed its Petition within the time frame specified by the Commission. (Petition at ¶ 3). That contention is borne out by a review of the

record. The Petitioner's Certificate was cancelled by Order issued on June 5, 2007, and the Petitioner filed the instant Petition for Reinstatement on June 15, 2007. We note that ten days elapsed between the date of cancellation and the Petitioner's request for reinstatement. This short period of time weighs favorably toward granting reinstatement.

The second reinstatement factor is whether the Petitioner has a record of habitually violating the Code or the Commission's Regulations. The Petitioner contends that it has committed no violations of the Code or the Commission's Regulations since it was issued its authority. (Petition at ¶ 1). The Petitioner was issued its Certificate on July 7, 2003. A review of the Commission's records reveals that, other than the Complaint for which the Petitioner's Certificate was cancelled, the Petitioner has had no other complaints filed against it. On review of the foregoing, we conclude that the Petitioner does not have a history of violations of the Code and our Regulations. Accordingly, we conclude that this factor weighs in favor of reinstatement.

The third and fourth factors will be considered jointly, since they are interrelated. The third reinstatement factor queries the reasonableness of the excuse offered for the violation. The fourth factor is whether the Petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the subject Complaint.

The violation for which the Petitioner's Certificate was cancelled was that the Petitioner failed to pay its outstanding assessments. The Petitioner provides the following account of how this violation occurred, and the steps it has taken to prevent a recurrence:

We had employed an accountant to handle our books and payment of bills, payroll and any other expenses which may have arisen. When any mail came in it was given directly to the accountant. It was our understanding that he was paying all bills as they came in. Much to our dismay we have found out that there were several items which were not paid including the assessment due to the State.

We have since replaced that accountant and have taken a more active role in overseeing the financial aspect of the business to ensure that all debts are paid in a timely fashion.

(Petition at ¶¶ 4, 5).

Our consideration of all of the above points leads us to conclude that the Petitioner has offered a reasonable excuse for the violation which led to the cancellation and also has implemented a reasonable procedure to prevent recurrence of the violation. Accordingly, the third and fourth factors weigh in favor of reinstatement.

The fifth factor requires assessments and fines to be current prior to reinstatement. The Petitioner asserts that all outstanding obligations have been paid in full. (Petition at ¶ 2). While the record indicates that the Petitioner has now paid its outstanding assessment, we note that the Petitioner has no evidence of current insurance on file with the Commission. Although payment of all outstanding obligations weighs in favor of reinstatement, the Commission's policy requires a new filing of proof of insurance by carriers whose petitions for reinstatement are granted. Accordingly, reinstatement of the Petitioner's Certificate herein will be made conditional on the receipt of a new filing of proof of insurance by the Petitioner within thirty days of the date of entry of the instant Opinion and Order.

Finally, we note that, although the Petitioner is current on its assessments, it is not current with its assessment reports. The Petitioner is reminded that it must file an annual assessment report, as required by Section 31.10 of our Regulations, 52 Pa. Code § 31.10. Additionally, the Commission recently adopted the policy that a carrier seeking reinstatement of its Certificate must be current in its assessment reports. The reinstatement will be made conditional on the filing of the reports, and the carrier will have sixty days after the date of issuance of the Opinion and Order in which to file the reports. Should the Petitioner have any question about the process of filing the reports, the Petitioner should contact the Financial and Assessment Section of the Commission's Office of Administrative Services. As stated, those reports will be due sixty days from the date of entry of this Opinion and Order. In order that all carriers should have notice of this policy, this Opinion and Order will be published in the *Pennsylvania Bulletin*.

In evaluating the facts and circumstances of this proceeding, we conclude that reinstatement of the Petitioner's Certificate is appropriate. However, we wish to admonish the Petitioner that violation of the Commission's rules and Regulations can result in the further imposition of severe sanctions including the cancellation of its Certificate; *Therefore*,

It Is Ordered That:

1. The Petition for Reinstatement filed by Hope Transportation, Inc., on June 15, 2007, will be granted conditional upon Hope Transportation, Inc., filing appropriate proof of liability insurance with the Commission's Bureau of Transportation and Safety within thirty (30) days of the date of entry of this Opinion and Order.

2. The Petition for Reinstatement filed by Hope Transportation, Inc., on June 15, 2007, will be granted conditional, additionally, upon Hope Transportation, Inc., filing its past due assessment reports with the Financial and Assessment Section of the Commission's Office of Administrative Services within sixty (60) days of the date of entry of this Opinion and Order.

3. Hope Transportation, Inc., is prohibited from operating until it has filed with the Commission's Bureau of Transportation and Safety the appropriate proof of liability insurance, as outlined previously.

4. A copy of this Opinion and Order shall be served on the Commission's Bureau of Transportation and Safety and on the Financial and Assessment Section of the Office of Administrative Services.

5. A copy of this Opinion and Order shall be served upon the Pennsylvania Department of Transportation and on the Pennsylvania Department of Revenue.

6. A copy of this Opinion and Order shall be sent for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1738. Filed for public inspection September 14, 2007, 9:00 a.m.]

Default Order

Public Meeting held
August 30, 2007

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice-Chairperson; Terrance J.
Fitzpatrick; Tyrone J. Christy; Kim Pizzingrilli

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. We Connect Communications, Inc.
(2006.0090.00); C-20066749; A-120693*

Order

By the Commission

On August 24, 2006, the Law Bureau Prosecutory Staff filed a Formal Complaint against We Connect Communications, Inc. (the Respondent), a competitive local exchange carrier certificated at A-120693. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2004 Telecommunications Relay Service (TRS) Annual Access Line Summary Report and Annual Tracking Report (TRS Reports) were due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2004 TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2004 TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on September 2, 2006. To date, more than 30 days later, no answer has been filed to the Complaint and the 2004 TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2004 TRS Reports, we conclude that revocation of We Connect Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. We Connect Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of

public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by We Connect Communications, Inc. at A-120693 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the TRS Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1739. Filed for public inspection September 14, 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 October 9, 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-00124057. Clifford Weatherby (2692 SR 168, Volant, Lawrence County, PA 16156)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lawrence to points in Pennsylvania, and return.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-00123351, F4. 903 Rentals, Inc. (1358 SR 903, Jim Thorpe, PA 18229)—a corporation of the Commonwealth—for the additional right, to transport as common carrier, by motor vehicle, persons in airport transport service, from points in the Borough of Jim Thorpe, Carbon County and within an airline distance of 100 statute miles of the limits thereof, to the following airports: Lehigh Valley International Airport located in the Township of Hanover, Lehigh County; North Philadelphia Airport, located in the City and County of Philadelphia; Warrington Airport located in the Township of Warrington, Bucks County; Reading Municipal Airport located in the Township of Bern, Berks County; Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County and Wilkes-Barre Scranton International Airport, located in the City of Avoca, Lackawanna County.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.

A-00124048. ABC Easy Moving & Storage Company, LLC, a corporation of the Commonwealth of Pennsylvania (113 Livingston Road, West Mifflin, Allegheny County, PA 15122)—household goods, office furnishings and store equipment, in use, between points in the 27th Ward of the City of Pittsburgh and the Boroughs of Bellevue, Avalon, Ben Avon and West View and the Township of Ross, Allegheny County; (2) as a Class D carrier, household goods, office furnishings and store equipment, in use, from points in the 27th Ward of the City of Pittsburgh and the Boroughs of Bellevue, Avalon, Ben Avon and West View and the Township of Ross, Allegheny County, to other points in Pennsylvania within 75 miles by the usually traveled highways of the City-County Building in the City of Pittsburgh; and (3) as a Class D carrier, household goods and office furniture, in use, between points in the county of Allegheny; which is to be a transfer of rights authorized under the certificate issued at A-00108005, F.1. to Roland T. Barry, t/a ABC EZ Moving Co., subject to the same limitations and conditions. *Attorney:* Daniel R. Tobin, Esquire, 103 North Meadows Drive, Suite 230, Wexford, PA 15090.

Application of the following for approval of the additional right and privilege operating of motor vehicles as common carriers for transportation of household goods as described under the application.

A-00111241, F.2. Delivery Today, Inc. (8016 Perry Highway, Suite 1, Pittsburgh, PA 15237)—a corporation of the Commonwealth—for the additional right, to transport, by motor vehicle, household goods in use, between points in Allegheny County, and from points in Allegheny County, to points in the Counties of Beaver, Butler, Washington and Westmoreland.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Airport Shuttle Service, Inc.; Doc. No. A-00109346C

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Airport Shuttle Service, Inc. t/a Supershuttle, respondent, maintains its principal place of business at 1227 East 15th Street, Wilmington, DE 19802.

2. That respondent was issued a Certificate of Public Convenience by this Commission on February 7, 1991, at Application Docket No. A-00109346.

3. That, on January 24, 2007, Enforcement Officer Lark of the Philadelphia District Office attempted to contact respondent to schedule an annual inspection and was unable to make contact at the address of record. An interview with the current occupant of the respondent's

address of record indicates that the respondent has not occupied the premises for approximately 10 years. Subsequent investigations at other properties formerly occupied by the respondent, and at the Philadelphia International Airport, provided no indication that service was currently being rendered or that the granted authority was actively being used. At no time prior to the attempted annual inspection did the respondent provide notification to this Commission of a change of address. Additionally, respondent has reported no revenues, nor paid any assessments, in at least the last 3 previous years. Therefore, respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient, and safe service and reasonable facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00109346.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Kenneth C. & Diane M. Lapinski; Doc. No. A-00114580C

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Kenneth C. & Diane M. Lapinski, t/a Falcon Enterprises, respondents, maintain their principal place of business at 101 Orchard Road, New Wilmington, PA 16142.

2. That respondents were issued certificates of public convenience by this Commission on June 10, 1998, for Limousine authority, at Application Docket No. A-00114580, F.1, on May 14, 1998, for paratransit authority, at Application Docket No. A-00114580, F. 2, on March 19, 1999, for limousine authority, at Application Docket No. A-00114580, F.3, and on March 9, 1999, for group and party 16+ authority, at Application Docket No. A-00114580, F.4.

3. Enforcement Officer William D. Wested went to the respondents' place of business at 101 Orchard Road, New Wilmington on October 17, 2006, November 17, 2006 and January 9, 2007, to conduct an annual limousine inspection. The premises were vacated.

4. The Commission's safety office has attempted to conduct respondents' annual safety inspection with no success. A letter was sent to respondents on January 25, 2007, from the Manager of the Pittsburgh District Office outlining the information required for the inspection and asking for a response by February 12, 2007. Respondents failed to contact the district office to schedule their annual inspection. Visits were made to the respondents' address and to post offices, a review of phone directories and a search of internet directories were made, and checks with the local police have been conducted. As of this date, no contact by the carrier has been received by either the Harrisburg or Pittsburgh District Office.

5. Respondents have not notified the Commission of any change of address.

6. Respondents have not filed assessment reports with the Commission since 2003.

7. Respondents abandoned or discontinued limousine and paratransit service without having submitted an application with this Commission to discontinue service,

and abandoned or discontinued G&P 16+ service without having submitted a letter to this Commission.

8. That respondents, by failing to file with this Commission applications to discontinue limousine and paratransit service, and a letter containing a statement that group and party 16+ service is no longer being rendered, and by failing to file assessment reports since 2003, violated 52 Pa. Code § 3.381(a)(1)(v), § 3.381(a)(5), and 66 Pa.C.S. §§ 1102(a)(2) and 510(b).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Kenneth C. & Diane M. Lapinski, t/a Falcon Enterprise's certificates of public convenience at A-00114580, Fs. 1, 2, 3 & 4.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Safety & Enforcement Division
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue

an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1740. Filed for public inspection September 14, 2007, 9:00 a.m.]

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 Pymatuning Independent Telephone Company and Sprint Communications Company, LP 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. 07-1742. Filed for public inspection September 14, 2007, 9:00 a.m.]

Telecommunications

A-311700F7040. Lackawaxen Telecommunications Services, Inc. and Sprint Communications Company, LP. Joint petition of Lackawaxen Telecommunications Services, Inc. and Sprint Communications Company, LP for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Lackawaxen Telecommunications Services, Inc. and Sprint Communications Company, LP, by its counsel, filed on August 27, 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 Lackawaxen Telecommunications Services, Inc. and Sprint Communications Company, LP 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. 07-1741. Filed for public inspection September 14, 2007, 9:00 a.m.]

Telecommunications

A-312800F7040. Pymatuning Independent Telephone Company and Sprint Communications Company, LP. Joint petition of Pymatuning Independent Telephone Company and Sprint Communications Company, LP for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Pymatuning Independent Telephone Company and Sprint Communications Company, LP, by its counsel, filed on August 27, 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.

Telecommunications

A-311394F7003. T-Mobile USA, Inc. and Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company. Joint petition of T-Mobile USA, Inc. and Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

T-Mobile USA, Inc. and Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, by its counsel, filed on August 29, 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 T-Mobile USA, Inc. and Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company 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. 07-1743. Filed for public inspection September 14, 2007, 9:00 a.m.]

Telecommunications

A-311419F7001. Verizon North, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless. Joint petition of Verizon North, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless, by its counsel, filed on August 24, 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 Verizon North, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1744. Filed for public inspection September 14, 2007, 9:00 a.m.]

Telecommunications

A-311419F7000. Verizon Pennsylvania, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless. Joint petition of Verizon Pennsylvania, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless, by its counsel, filed on August 24, 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 Verizon Pennsylvania, Inc. and NEP Cellcorp, Inc., d/b/a NEP Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1745. Filed for public inspection September 14, 2007, 9:00 a.m.]

Telecommunications

A-311459F7001. Vista PCS, LLC and Verizon North, Inc. Joint petition of Vista PCS, LLC and Verizon North, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Vista PCS, LLC and Verizon North, Inc., by its counsel, filed on August 24, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption 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 Vista PCS, LLC and Verizon North, 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. 07-1746. Filed for public inspection September 14, 2007, 9:00 a.m.]

Telecommunications

A-311459F7000. Vista PCS, LLC and Verizon Pennsylvania, Inc. Joint petition of Vista PCS, LLC and Verizon Pennsylvania, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Vista PCS, LLC and Verizon Pennsylvania, Inc., by its counsel, filed on August 24, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption 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 Vista PCS, LLC and Verizon Pennsylvania, 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. 07-1747. Filed for public inspection September 14, 2007, 9:00 a.m.]

Wastewater Service

A-230240F0035 and A-230091F2000. Little Washington Wastewater Company d/b/a Suburban Wastewater Company and Pennsylvania Utility Company. Joint application of Little Washington Wastewater Company d/b/a Suburban Wastewater Company (Little Washington) and Pennsylvania Utility Company (PA Utility) for approval of: 1) the acquisition by Little Washington of the wastewater system assets of PA Utility situated in the 2,823 acre residential development known as Tamiment Resort, Highland Village, Mt. Laurel, The Glen at Tamiment, Eagle Point and Eagle Village, situated in Lehman Township, Pike County, PA (hereinafter referred to as "Tamiment"); 2) the right of Little Washington to begin to

furnish wastewater service to the public in Tamiment, along with the implementation of Little Washington Wastewater Company's Little Washington Division base rates within Tamiment, situated in Lehman Township, Pike County, PA; and 3) the abandonment by PA Utility of public wastewater service in Tamiment.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before October 1, 2007. Filings must be made with the Secretary of the 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.

Applicants: Little Washington Wastewater Company d/b/a Suburban Wastewater Company and Pennsylvania Utility Company

Through and by Counsel: Thomas T. Niesen, Esquire, Thomas Thomas Armstrong & Niesen, 212 Locust Street, Suite 500, Harrisburg, PA 17108

James P. Melia, Esquire, K & L Gates, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1748. Filed for public inspection September 14, 2007, 9:00 a.m.]

Water Service

A-210104F0084 and A-210098F2000. Aqua Pennsylvania, Inc. and Pennsylvania Utility Company. Joint application of Aqua Pennsylvania, Inc. (Aqua) and Pennsylvania Utility Company (PA Utility) for approval of: 1) the acquisition by Aqua of the water system assets of PA Utility situated in the 2,823 acre residential development known as Tamiment Resort, Highland Village, Mt. Laurel, The Glen at Tamiment, Eagle Point and Eagle Village, situated in Lehman Township, Pike County, PA (hereinafter referred to as "Tamiment"); 2) the right of Aqua to begin to supply water service to the public in Tamiment, along with the implementation of Aqua's Fawn Lake Division base rates within Tamiment, situated in Lehman Township, Pike County, PA; and 3) the abandonment by PA Utility of public water service in Tamiment

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before October 1, 2007. Filings must be made with the Secretary of the 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.

Applicants: Aqua Pennsylvania, Inc. and Pennsylvania Utility Company

Through and by Counsel: Thomas T. Niesen, Esquire, Thomas Thomas Armstrong & Niesen, 212 Locust Street, Suite 500, Harrisburg, PA 17108

James P. Melia, Esquire, K & L Gates, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1749. Filed for public inspection September 14, 2007, 9:00 a.m.]

Water Service

A-213550F0026 and U-00075417. The York Water Company. Application of The York Water Company for approval of the right to enter into a municipal contract to acquire certain public water facilities from West Manheim Township, and to offer or furnish water service to the public in portions of West Manheim Township, York County and portions of Oxford, Mt. Pleasant and Union Townships, Adams County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before October 1, 2007. Filings must be made with the Secretary of the 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: The York Water Company

Through and by Counsel: Michael W. Hassell, Esquire, Anthony D. Kanagy, Esquire, Post and Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1750. Filed for public inspection September 14, 2007, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

| | | |
|------------------|---|--------|
| October 4, 2007 | Clifford J. Parris (Age 50 Retirement Credit) | 1 p.m. |
| October 18, 2007 | Catherine N. Komir (Discontinuance of Temporary Disability Retirement Benefits) | 1 p.m. |

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,
Acting Secretary

[Pa.B. Doc. No. 07-1751. Filed for public inspection September 14, 2007, 9:00 a.m.]
