

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Order of Quarantine; Emerald Ash Borer

#### Recitals

A. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. EAB has worked its way east from Michigan, where it was first detected in 2002.

B. EAB has killed 20-25 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB presents a clear threat to this Commonwealth's forest and horticultural resources.

C. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

D. The Department has issued previous EAB-related Orders of Quarantine, establishing a quarantined area that includes all of Allegheny, Beaver, Butler and Lawrence Counties, and restricting the movement of designated articles and materials from this quarantined area.

E. EAB has recently been detected in Mercer County—a county outside of the current quarantined area—making it necessary to expand the quarantined area to include that county.

#### Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed, incorporated into this Order by reference, the Department orders the following:

#### 1. Confirmation of Quarantine; Addition of Mercer County to the Quarantined Area.

a. The quarantine established by Order of June 27, 2007, and Order of July 16, 2007, with respect to Allegheny, Beaver, Butler and Lawrence Counties (collectively, the quarantined area) remains in effect, subject to the conditions set forth in this Order.

b. A quarantine is hereby established with respect to Mercer County, effective immediately. Mercer County is part of the quarantined area, and is subject to the conditions set forth in this Order.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

- a. The Emerald Ash Borer in any living stage of development;
- b. Ash trees of any size;
- c. Ash limbs, branches, stumps and roots;
- d. Any cut, nonconiferous (hardwood) firewood;

e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

f. Ash logs and lumber with either the bark or the outer 1 inch of sapwood, or both, attached;

g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and

h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit (as described in Paragraph No. 4) attached;

b. Without a certificate or limited permit (as described in Paragraph No. 4) attached if:

i. The regulated article is moved by the United States Department of Agriculture or the Department for experimental or scientific purposes; or

ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

E. Without a certificate or limited permit (as described in Paragraph No. 4) attached if a USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Intrastate Movement of Articles.* The Department or a person operating under a compliance agreement will issue a certificate or limited permit authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied that all of the following are accurate:

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance

written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the act in order to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Cancellation of a Certificate or Limited Permit.* Any certificate or limited permit may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit has not complied with the act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the intrastate movement of regulated articles that have met all of the requirements of Paragraph No. 4.

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph No. 6) certificate or limited permit

securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

8. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following address or telephone number: Department of Agriculture, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

10. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

11. *Cooperation with other agencies.* The Department will consult with USDA, other State agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect EAB to slow the spread or eradicate this pest.

12. *Effective Date.* This quarantine is effective as of June 27, 2008, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,  
Secretary

[Pa.B. Doc. No. 08-1294. Filed for public inspection July 11, 2008, 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 July 1, 2008.

### BANKING INSTITUTIONS

#### Conversions

Date	Name of Bank	Location	Action
6-27-2008	From: The Merchants National Bank of Bangor Bangor Northampton County  To: Merchants Bank of Bangor Bangor Northampton County	Bangor	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Conversion from a Federally-chartered bank to a Pennsylvania State-chartered bank. Merchants Bank of Bangor is a wholly-owned subsidiary of MNB Corporation, Bangor, an existing bank holding company.		
	<b>Branch offices operated by Merchants Bank of Bangor:</b>		
	303 Pennsylvania Avenue Bangor Northampton County	1 Centre Square Easton Northampton County	
	1250 Braden Boulevard Easton Northampton County	6626 Main Street Martins Creek Northampton County	
	2118 Delaware Drive Mount Bethel Northampton County	44 South Broad Street Nazareth Northampton County	
	291 West Moorestown Road Nazareth Northampton County	101 Held Drive Northampton Northampton County	
	45 North Broadway Wind Gap Northampton County		

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-2008	Landmark Community Bank, Pittston, and Landmark Interim Bank, Pittston Surviving Institution: Landmark Community Bank, Pittston	Pittston	Effective
	As a result of the merger, Landmark Community Bank, Pittston, has become a wholly-owned subsidiary of Landmark Bancorp, Inc., Pittston, a newly-formed bank holding company.		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-16-2008	Northwest Savings Bank Warren Warren County	125 Emeryville Drive Suite 100 Cranberry Township Butler County	Opened
6-23-2008	First Star Bank Bethlehem Northampton County	6302 Route 309 New Tripoli Lehigh County	Opened
6-24-2008	First Commonwealth Bank Indiana Indiana County	Grant Street and Oliver Avenue Pittsburgh Allegheny County	Filed
6-25-2008	CNB Bank Clearfield Clearfield County	2035 Edinboro Road Millcreek Erie County	Opened
6-27-2008	Fidelity Savings Bank Pittsburgh Allegheny County	5000 Centre Avenue Pittsburgh Allegheny County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-24-2008	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 3045 US Route 30 West Latrobe Westmoreland County  <i>From:</i> 3954 US Route 30 West Latrobe Westmoreland County	Filed

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-24-2008	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 8291 SR 22 New Alexandria Westmoreland County  <i>From:</i> 412 West Main Street New Alexandria Westmoreland County	Filed
6-25-2008	Northwest Savings Bank Warren Warren County	<i>To:</i> 437 Cochran Road Mt. Lebanon Township Pittsburgh Allegheny County  <i>From:</i> 300 Cochran Road Mt. Lebanon Township Pittsburgh Allegheny County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-24-2008	Graystone Bank Lancaster Lancaster County	37 North Market Street Frederick Frederick County, MD	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-1-2008	Minersville Safe Deposit Bank and Trust Company Minersville Schuylkill County	Amendment to Article I of the Articles of Incorporation provides for a change of the name of the institution from "Minersville Safe Deposit Bank and Trust Company" to "Miners Bank."	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

**Community Charter Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-1-2008	Superior Credit Union Collegeville Montgomery County	Collegeville	Effective

The credit union has amended its Articles of Incorporation to serve a field of membership limited to the following community: All people who live, work, worship, attend school in, and businesses and other legal entities in Montgomery County, PA.

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-1-2008	Pennsylvania State Employees Credit Union, Harrisburg, and Clarion University Federal Credit Union, Clarion Surviving Institution: Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Effective

## Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
7-1-2008	NBA Credit Union Bristol Bucks County	Amendment to Article IV, Section 3, of the Articles of Incorporation decreases the Board of Directors from 11 to 9 members and eliminates the Supervisory Committee.	Approved and Effective
7-1-2008	Crayola LLC Employees Credit Union Easton Northampton County	Amendment to Article 8 of the Articles of Incorporation provides for the inclusion of "minor grandchildren at a different address" in the credit union's field of membership.	Approved and Effective

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-1295. Filed for public inspection July 11, 2008, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062634 (Minor Sewage)	Larry L. Luckenbill Sammy's Mobile Home Park 631 South Route 183 Schuylkill Haven, PA 17972	North Manheim Township Schuylkill County	UNT to Mahonney Creek 03A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080331 (IW)	Ephrata Area Joint Authority 124 South State Street Ephrata, PA 17522-2411	Lancaster County Ephrata Borough	UNT Cocalico Creek 7J	Y
PA0009423 (IW)	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537-1177	Bedford County West Providence Township	John's Branch 11-D	Y
PA0041505 (Sew)	Hereford Estates Mobile Home Park Berks Properties 3613 Seisholtzville Road Hereford, PA 18056	Berks County Hereford Township	Perkiomen Creek 3E	Y
PA0087904 (IW)	Roaring Spring Water 740 Spang Street Roaring Spring, PA 16673-0097	Roaring Spring Borough Blair County	Halter Creek 11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209244 IW	Brady Township—Troutville Borough Water Association, Inc. 3309 Shamokin Trail Luthersburg, PA 15848-4019	Brady Township Clearfield County	UNT LaBorde Branch UNT East Branch Mahoning Creek 17C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221091	ELCAM Tool and Die, Inc. 497 Buena Vista Highway Wilcox, PA 15870	Jones Township Elk County	UNT to West Branch Clarion River 17-A	Y
PA0021504	Western Butler County Authority 607 Market Street P. O. Box 427 Zelienople, PA 16063	Zelienople Township Butler County	UNT to Glade Run 20-C	N

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034789	Saint Marys Area Water Authority 967 State Street Saint Marys, PA 15857-4311	Saint Marys City Elk County	Laurel Run 17-A	Y
PA0043834	Mercer Co. Regional Council of Governments 2495 Highland Road Hermitage, PA 16148	South Pymatuning Township Mercer County	Shenango River 20-A	Y
PA0023451	Mount Jewett Borough Secretary Treasurer P. O. Box 680 Mt. Jewett, PA 16740	Mt. Jewett Township McKean County	UNT to Kinzua Creek 16-B	Y
PA0103225	KRS Development, Inc. 17933 Paint Boulevard Shippenville, PA 16254	Paint Township Clarion County	UNT to the Clarion River 17-B	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.*

**PA0011851**, Industrial Waste, SIC Nos. 3317, 3356 and 3451, **Superior Tube Company, Inc.**, 3900 Germantown Pike, Collegeville, PA 19426-3112. This existing facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge process wastewater, treated groundwater, stormwater and miscellaneous wastewaters from a tubing manufacturing facility.

The receiving stream, Perkiomen Creek and a UNT to Perkiomen Creek, is in the State Water Plan Watershed 3E and is classified for: TSF, WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA, Inc. is located on Perkiomen Creek and is approximately 4.5 miles below the point of discharge.

The proposed effluent limits for IMP 108 are based on a design flow of 0.0181 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Suspended Solids	2.0	4.1	13.6	27.5	34.0
Ammonia as N	0.037	0.085	0.25	0.56	0.63
Fluoride			2.5		0.63
Oil and Grease	1.5	3.0	10.0	20.0	5.0
Cadmium, Total	0.012	0.031	0.078	0.207	25.0
Zinc, Total	0.067	0.119	0.445	0.786	0.207
Total Toxic Organics			2.13		1.112
pH (Standard Units)			Monitor, minimum		Monitor
Copper, Total	0.094	0.153	0.622	1.015	1.555
Lead, Total	0.019	0.031	0.129	0.208	0.322
Nickel, Total	0.112	0.19	0.739	1.259	1.847
Silver, Total	0.011	0.019	0.072	0.129	0.18
Cyanide, Total	0.029	0.054	0.196	0.361	0.49
Chromium, Total	0.081	0.135	0.539	0.896	1.348

The proposed effluent limits for Outfall 008 are based on a design flow of 0.1717 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Suspended Solids			30.0	60.0	75.0
Oil and Grease			15.0		30.0
Chromium, Total			Monitor	Monitor	Monitor
Copper, Total			Monitor	Monitor	Monitor
Zinc, Total			Monitor	Monitor	Monitor
Trichloroethylene			1.27	1.98	3.17
Total Dissolved Solids			1,000	2,000	2,500
pH (Standard Units)			6.0 minimum		9.0
Temperature					110° F
Cadmium, Total			0.333	0.052	0.083

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Lead, Total			Monitor	Monitor	Monitor
N-Propyl Bromide			Monitor	Monitor	Monitor

The proposed effluent limits for Stormwater Outfalls 002, 004—007 are based on a design flow of an average stormwater event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>			Monitor		
Chemical Oxygen Demand			Monitor		
Oil and Grease			Monitor		
Suspended Solids			Monitor		
Total Kjeldahl Nitrogen			Monitor		
Total Phosphorus			Monitor		
Iron, Dissolved			Monitor		
Copper, Total			Monitor		
Nickel, Total			Monitor		
Zinc, Total			Monitor		
pH (Standard Units)			Monitor		

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

1. Remedial Measures if Public Nuisance.
2. Approved Chemical Additive Usage Rates.
3. Chemical Additives.
4. Approved Test Method.
5. Change of Ownership.
6. TTO Definition.
7. TTO Monitoring.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. Stormwater Requirements.
11. Laboratory Accreditation.
12. Remediation Systems Quarterly Reports.

**PA0244406**, Industrial Waste, SIC 3273, **Nyce Crete Company, Inc.**, 711 North County Line Road, P. O. Box 64418, Souderton, PA 18964. This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Activity: The discharge of stormwater from a Ready-Mix Concrete Batch Plant. This property is located at 901 West Sixth Street, Lansdale, PA 19446.

The receiving stream, UNT 02889 to West Branch Neshaminy Creek is in the State Water Plan Watershed 2F and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for the AQUA PA-Neshaminy located on Neshaminy Creek.

The proposed effluent limits for Outfalls 001—003 are based on stormwater discharge:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Suspended Solids (Issuance thru 24 months) (25 months thru expiration)			Report 50	Report 100	100
pH (Issuance thru 24 months) (25 months thru expiration)			Monitor and Report Within 6.0 and 9.0 Standard Units		
Oil and Grease			Report	Report	

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

1. Implement Structural Stormwater BMPs.
2. Adopt Necessary Remedial Measures.
3. Small Stream Discharge.
4. Proper Disposal of Solids.
5. Applicable Stormwater Conditions and BMPs.
6. Definition of 10-Year, 24-Hour Storm.



**PA0013005**, IW, SIC 2672, **FiberMark, Inc.**, 45 North 4th Street, Quakertown, PA 18951. This proposed facility is located in Quakertown Borough, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge noncontact cooling water and stormwater from the facility.

The receiving stream, UNT to Beaver Run, is in the State Water Plan Watershed 2D and is classified for: TSF. The nearest downstream public water supply intake for PA Water Company is located on Delaware River and is 29.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 is based on a design flow of 0.09 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110° F
pH	Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for stormwater Outfalls 001—003 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorous			Monitor and Report
Iron (Dissolved)			Monitor and Report

The EPA waiver is in effect.

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

Major Permit Conditions:

1. Discharge to Special Protection Waters.
2. Groundwater Monitoring.
3. Monitoring of Injection Wastewater.

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

**Application No. PA 0261114**, Industrial Waste, SIC Code 4951, **McConnellsburg Borough Municipal Authority**, P. O. Box 218, McConnellsburg, PA 17233. This facility is located in Todd Township, **Fulton County**.

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

The receiving stream, UNT Big Cove Creek, is in Watershed 13-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the City of Hagerstown located on the Potomac River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.018 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Aluminum, Total	4.0	8.0	9.0
Iron, Total	2.0	4.0	5.0
Manganese, Total	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.6
pH	6.0 to 9.0 at all times.		

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 in effect.

**Application No. PAS 603506**, Industrial Waste, SIC Code 5015, **Aumiller's Auto Wreckers, Inc.**, 45 Auto Parts Drive, Milroy, PA 17063. This facility is located in Armagh Township, **Mifflin County**.

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

The receiving stream, UNT Laurel Creek, is in Watershed 12-A, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough located on the Juniata River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001 and 002 are:

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Instantaneous Maximum</i>	
CBOD <sub>5</sub>	Monitor and Report	
COD	Monitor and Report	
Oil and Grease	Monitor and Report	
pH	Monitor and Report	
Total Suspended Solids	Monitor and Report	
Total Iron	Monitor and Report	

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

This facility may conduct an annual inspection in lieu of sampling.

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 in effect.

**Application No. PA 0260771, CAFO, Brymesser Farm CAFO**, 1540 Leidigh Drive, Boiling Springs, PA 17007.

Stanley Brymesser has submitted an NPDES permit application for the Brymesser Farm CAFO, an existing swine and steer operation in Monroe Township, **Cumberland County**. The CAFO is situated near Yellow Breeches Creek, which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 456 animal equivalent units consisting of 3,000 finishing swine and 25 finishing steer.

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 the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

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

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

**PA0216330, Sewage, Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. This application is for renewal of an NPDES permit to discharge treated sewage from Homewood Maintenance Building STP in Big Beaver Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to Clarks Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority.

*Outfall 001: existing discharge, design flow of 0.0012 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations are proposed for Outfall 101 the oil/water separator.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Oil and Grease	15			30
Suspended Solids	30			60
pH	not less than 6.0 nor greater than 9.0 Standard Units			
Flow	Monitor and Report			

The EPA waiver is in effect.

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

**PA0240192**, Sewage. **Frank R. and Myranda S. Hyden SFTF**, 24475 State Street, Meadville, PA 16335. This proposed facility is located in Blooming Valley Borough, **Crawford County**.

Description of Proposed Activity: a new NPDES permit for a new discharge of treated sewage from a Small Flow Treatment Facility.

The receiving water is a UNT to Woodcock Creek. The receiving stream is in State Water Plan 16-A and is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Area Water Company, is located on the Allegheny River and is approximately 66 miles below the point of discharge.

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

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
**Total Residual Chlorine	XX		
**Fecal Coliform		200/100 ml as a Geometric Average	
pH		6.0 to 9.0 Standard Units at all times	

\*\*—Data to be recorded on the Annual Maintenance Report.

XX—Monitor and report.

The EPA waiver is in effect.

**PA0238767**, Sewage. **Stoneworth Apartments, LLC**, 877 New Castle Road, Slippery Rock, PA 16057. This proposed facility is located in Worth Township, **Butler County**.

Description of Proposed Activity: New NPDES permit replacing an expired permit for a treated sewage discharge.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Salvation Army Camp Allegheny, located on Slippery Rock Creek and is approximately 3 miles below point of discharge.

The receiving stream, Slippery Rock Creek, is in Watershed 20-C and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.024 mgd.

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

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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


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

**WQM Permit No. 3608403**, Sewerage, **Welsh Mountain Home**, 567 Springville Road, New Holland, PA 17557. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of an onlot sewage disposal system to serve a new assisted living complex on the West side of Spring Road.

**WQM Permit No. 3608404**, Sewerage, **Paradise Township Sewer Authority**, 2 Township Drive, P. O. Box 40, Paradise, PA 17562. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Kinzers Phase II submersible pump station.

**WQM Permit No. 6708407**, Sewerage, **New Life for Girls**, Box D-700, Dover, PA 17315. This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: Replacement of the existing concrete sludge tank at the inflow end of the plant.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508040	East Goshen Municipal Authority 1580 Paoli Pike West Chester, PA 19380-6199	Chester	East Goshen Township	Ridley Creek HQ-TSF
PAI01 1508041	Greenstone Development II Corp. P. O. Box 973 Paoli, PA 19301	Chester	Malvern Borough	Crum Creek HQ-CWF
PAI01 1508042	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Upper Uwchlan and Uwchlan Townships	Pickering Creek HQ-TSF Shamona Creek HQ-TSF-MF
PAI01 1508043	Trustees of University of Pennsylvania 250 King of Prussia Road 4th Floor Radnor, PA 19087-5286	Chester	Tredyffrin Township	Valley Creek EV
PAI01 2308005	James Greco 1004 Millstream Drive Malvern, PA 19355	Delaware	Edgmont Township	Chester Creek TSF-MF Ridley Creek HQ-TSF
PAI01 2308006	One Landmark, LP P. O. Box 2006 Media, PA 19063	Delaware	Edgmont Township	Crum Creek CWF Ridley Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908011	Cecilia Birdsell East Penn School District 800 Pine Street Emmaus, PA 18049	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0307-08-005	George D. Koeck R. R. 6 Box 287 Altoona, PA 16601	Blair	Logan Township	UNT to Mill Run HQ-CWF
PAI-0307-08-004	Bee Line Wholesalers 1833 Pleasant Valley Boulevard Altoona, PA 16602	Blair	Logan Township	Sandy Run HQ-CWF

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

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052603004-R	NWL Company 1001 LaFayette Drive Farmington, PA 15437	Fayette	Wharton Township	Deadmens 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)

### SAFE DRINKING WATER

#### 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.

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

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

##### Application No. 4508501, Public Water Supply.

Applicant	<b>Pennsylvania American Water</b> Stroud Township <b>Monroe County</b>
Responsible Official	David Kaufman Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Francis M. Voyack, P. E. Quad Three Group, Inc. 37 North Washington Street Wilkes-Barre, PA 18701
Application Received Date	June 11, 2008
Description of Action	Application proposes the construction of the Blue Mountain Lake Booster Station and installation of 2,000 feet of 6-inch distribution system main as part of the proposed project.

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

##### Permit No. 0108510, Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	Berwick Township
County	<b>Adams</b>

Responsible Official Mark S. Snyder  
Engineering Manager  
130 East Market Street  
P. O. Box 15089  
York, PA 17405-7089

Type of Facility Public Water Supply

Consulting Engineer Mark S. Snyder, P. E.  
The York Water Company  
130 East Market Street  
P. O. Box 15089  
York, PA 17405-7089

Application Received: June 11, 2008

Description of Action Race Track Road standpipe  
chlorine booster installation.

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

**Permit No. 4708501—Construction, Public Water Supply.**

Applicant **DeLong Green Acres Personal Care Home**

Township or Borough Washingtonville Borough  
County **Montour**

Responsible Official Bruce Hunsinger, Owner  
DeLong Green Acres PCH  
8 Church Street  
P. O. Box 243  
Washingtonville, PA 17884

Type of Facility Public Water  
Supply—Construction

Consulting Engineer Britt Bassett, P. E., B.C.E.E.  
Bassett Engineering  
1440 Broad Street  
Montoursville, PA 17754

Permit Issued Date June 27, 2008

Description of Action Application for a permit to operate  
a community water supply and  
installation of a reverse osmosis  
treatment system.

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

**Application No. 2508502, Public Water Supply.**

Applicant **Fairview Township Water Authority**

Township or Borough Fairview Township  
**Erie County**

Responsible Official John R. Agnello, Manager

Consulting Engineer Mark J. Corey, P. E.  
Mark J. Corey & Associates  
5845 Jordan Road  
Erie, PA 16510

Application Received Date June 24, 2008

Description of Action Construction of new PWS water  
well, known as Well No. 6 and  
related pumping  
equipment/instrumentation.

*Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996217, Public Water Supply.**

Applicant **Nestle Waters North America, Inc.**

Township or Borough Poland Spring, ME

Responsible Official Sathie Thayagan  
Quality Control Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date June 20, 2008

Description of Action Applicant requesting Department  
of Environmental Protection  
approval to use new municipal  
source (Auburn Municipal Water)  
to produce a new distilled water  
product (Poland Spring Distilled  
Water). Bottled water to be sold in  
Pennsylvania under the brand  
names; Deer Park Natural Spring  
Water, Ice Mountain Natural  
Spring Water, Poland Spring  
Natural Spring Water, Poland  
Spring Sparkling Spring Water  
and Poland Spring Distilled  
Water.

**Permit No. 9996427, Public Water Supply.**

Applicant **Polar Beverages Corp.**

Township or Borough Worcester, MA

Responsible Official Gina Brooks, QC Administrator

Type of Facility Out-of-State Bottled Water System

Application Received Date June 20, 2008

Description of Action Applicant requesting a permit  
amendment to use new municipal  
source water (Worcester Municipal  
Water) to produce a new purified  
bottled water product. Bottled  
water to be sold in Pennsylvania  
under the brand names Silver  
Spring Pure Natural Spring Water  
and Adirondack Purified Water.

#### MINOR AMENDMENT

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

**Application No. 2608503MA, Minor Amendment.**

Applicant **Municipal Authority of Westmoreland County**  
124 Park and Pool Roads  
New Stanton, PA 15672

Township or Borough New Stanton Borough  
Hempfield Township

Responsible Official Curtis Fontaine, Operations  
Manager  
Engineering, Municipal Authority  
of Westmoreland County  
124 Park and Pool Roads  
New Stanton, PA 15672

Type of Facility Water treatment plant

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

Application Received Date June 27, 2008

Description of Action Installation of a 48" transmission  
main to replace an existing 20"  
line.

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

**Application No. 2577501-MA1**, Minor Amendment.

Applicant **Edinboro Borough Municipal  
Authority**

Township or Borough Edinboro Borough  
**Erie County**

Responsible Official Taras Jemetz, Manager  
124 Meadville Street  
Edinboro, PA 16412

Type of Facility Public Water System, 500,000  
gallon water storage tank.

Application Received Date June 2, 2008

Description of Action Recoat interior of 500,000 gallon  
Sherrod Hill Road Tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environ- mental 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.*

**5134 Lancaster Avenue**, City of Philadelphia, **Philadelphia County**. Charlene Drake, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Jenny Reynolds, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of unleaded gasoline. The future use of the site will remain the same.

**Turner Apartments**, Glenolden Borough, **Delaware County**. Nadia Botros, 820 Hawthorne Avenue, Secane, PA 19018 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

**Lukas Property**, Radnor Township, **Delaware County**. Jeffery S. Fitch, EPCORP, LTD-FITCH ENVIRONMENTAL, P. O. Box 493, Southeastern, PA 19399 on behalf of Joseph T. Lukas, 714 Moonraker Court, Smithville, NJ 08205 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents. The proposed future use of the site will be nonresidential for continued use as an automotive repair shop. A summary of the Notice to Intent to Remediate was reported to have been reported in the *Delaware County Daily Times* on May 23, 2008.

**St. John Neumann Place, LP**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of Suzanne O'Gady Laurito, St. John Neumann Place, LP, 1941 Christian Street, Philadelphia, PA 19146 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by the release of PAH. The future use of the site will remain the same.

**1702-1708 Tulip Street**, City of Philadelphia, **Philadelphia County**. Guy Sheets, Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Kenneth Chadwick, Temple East, Inc., d/b/a Northeastern Hospital, 2301 East Allegheny Avenue, Philadelphia, PA 19134 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of unleaded gasoline. The future use of the site will remain the same.

**3662 Market Street**, Upper Chichester Township, **Delaware County**. Raymond P. Duchanie, PG, ENVision Environmental, Inc., 130 Hickman Road, Suite 26, Claymont, DE 19703 on behalf of Grey T. Harvey, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of lead. The future use of the site is being considered for development into a convenience store with retail gasoline sales. A summary of the Notice to Intent to Remediate was reported the *Delaware County Daily Times* on June 13, 2008.

**Gantz Residence**, Norwood Borough, **Delaware County**. Staci Cottone, J & J Spill Service, P. O. Box 370, Blue Bell, PA 19422 on behalf of Ronald Gantz, 106 Elmwood Avenue, Norwood, PA 19074 has been submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on May 23, 2008.

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

**Bryan Horetsky Residence**, Taylor Township, **Blair County**. Groundwater and Environmental Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601, on behalf of Bryan Horetsky, 131 Brumbaugh Road, Roaring Spring, PA 16673, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Statewide Health Standard.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

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

#### *Renewal Applications Received*

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Court, Northampton, PA 18067. License No. PA-HC 0219. Received on April 28, 2008.

#### **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. 301310. Tri-State Petroleum Recovery**, 12 Creek Road, McKees Rocks, PA 15136-1601. Tri-State Petroleum Recovery, 12 Creek Road, P. O. Box 12, McKees Rocks, PA 15136-1601. Application for a permit renewal of a residual waste transfer facility in Kennedy Township, **Allegheny County** was received in the Regional Office on June 26, 2008.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

#### **NEW SOURCES AND MODIFICATIONS**

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users 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.



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**PLAN APPROVALS**


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

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

**06-05005C: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for use of waste derived fuel oil at their Oley Blacktop Plant on Bieber Mill Road, Oley, PA 19547 in Oley Township, **Berks County**. This is an existing facility controlled by the use of a fabric filter baghouse.

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

**14-00014D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a stone crusher, recycled asphalt pavement (RAP) crusher, two RAP screens, various conveyors, feeders, bins and silos, portable stone crushing plant and associated 425 horsepower diesel-fired engine, 251 horsepower diesel-fired generator, 105 horsepower diesel-fired pump, 127 horsepower diesel-fired pump and 4.2 million gallon asphalt storage tank and the installation of two fabric collectors on the facility's secondary stone crushing plant in Spring Township, **Centre 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.**

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

**15-0125: PPL Renewable Energy, LLC** (Swedesford Road and Valley Creek Boulevard, Exton, PA 19341) for installation of two natural gas-fired Catterpillar reciprocating internal combustion engines in East Whiteland Township, **Chester County**. The pollutants of concern from the proposed operation include NO<sub>x</sub>, VOC, CO and PM emissions. NO<sub>x</sub> and VOC emissions will have the potential to exceed Title V thresholds, however, the facility will utilize air pollution control devices to maintain emissions below 25 tpy. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0110E: Riverside Construction Materials, Inc.** (7900 North Radcliffe Street, Bristol, PA 19007) for approval of an existing load-out station, construction of a new dust collector and construction of a new load-out station in Bristol Township, **Bucks County**. The existing load-out station, designated Truck Load-out No. 1 with Dust Collection (Source ID: 108), consists of two identical chutes with dust controls. Truck Load-out No. 1 with Dust Collection can load cement into two cement trucks at one time. A new load-out station will be installed, designated Load-out No. 2 with Dust Collection (Source ID: 109), consisting of one chute with dust controls. Load-out No. 2 with Dust Collection will only load one

truck at a time. The new dust collector, designated Dome No. 2 Dust Collector (Source ID: C04), will be used in conjunction with an existing dust collector to control emissions from three cement storage units at the facility. This application will result in an increase of controlled PM emissions of 0.19 tpy. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0240A: Smithfield Beef Group, Inc.** (249 Allentown Road, Souderton, PA 18964) plan approval for the modification of emission limitations contained in the previously issued plan approval No. 46-0240 for a 29.9 mmBtu/hr Boiler fired by natural gas, No. 2 fuel oil and animal fat/vegetable oil in Franconia Township, **Montgomery County**. This plan approval supersedes Conditions Nos. 12 and 13 of the previously issued plan approval No. 46-0240. The facility is currently operating under the State-only Operating Permit No. 46-00240. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**58-302-008: Donald Dean and Sons, Inc.** (99 Grow Avenue, P. O. Box 246, Montrose, PA 18801) for construction of one 10.84 mmBtu/hr wood fired boiler at their facility in Bridgewater Township, **Susquehanna County**. This facility is not a Title V facility. Primary and secondary multiclones will control the PM from the wood fired boiler. Annual emissions from the boiler shall not exceed the following: 10.45 tons of NO<sub>x</sub>, 1.19 tons of SO<sub>2</sub>, 28.49 tons of CO, 26.59 tons of PM and 0.81 ton of VOC. The boiler is subject to NSPS Subpart Dc of the Federal Standards of Performance for Nonmetallic Mineral Processing Plants, 40 CFR 60.40c—60.48c. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

**36-03052B: Boose Aluminum Foundry Co., Inc.** (P. O. Box 261, 77 North Reamstown Road, Reamstown, PA 17567-0261) for replacing a molding line in Reamstown, **Lancaster County**. A baghouse will be added to control sand handling emissions. Increase in emissions will be less than 1 tpy of PM. The facility is a State-only facility. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**PA-26-00574A: Stone Materials, LLC** (Stone Materials, LLC, P. O. Box 423, Reedsville, WV 26547) for construction of a Nonmetallic Mineral Processing Plant in Georges Township, **Fayette County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Stone Materials, LLC (Stone Materials,

LLC, P. O. Box 423, Reedsville, WV 26547) to construct a Nonmetallic Mineral Processing Plant located in Georges Township, Fayette County.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address that follows.

Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following Special Conditions and General Conditions on the Plan Approval:

*Special Conditions*

1. This Plan Approval is to allow the construction and operation of a nonmetallic mineral processing plant rated at 250 tph at the Rhehoboth Quarry located in Georges Township, Fayette County. (25 Pa. Code § 127.12b)

2. Air contamination sources covered by this Plan Approval include the following: (25 Pa. Code § 127.12b)

- One Nordberg 250 tph Jaw Crusher
- One Simplicity 250 tph Triple Deck Screen
- One Symons 250 tph Standard Cone Crusher
- Seven 250 tph Belt Conveyors
- Truck unloading to raw material stockpile transfer point
  - Loading raw material stockpile to grizzly feeder transfer point
    - Grizzly feeder to jaw crusher transfer point
  - Fifteen transfer points between conveyors and crushers, screen and stockpiles
    - Loading processed material onto trucks transfer point
    - Truck unloading to processed material stockpiles near plant entrance transfer point
      - Loading processed material onto trucks for shipment transfer point
  - Wind erosion of stockpiles
  - Front end loader traffic on unpaved haul roads
  - Raw material truck traffic on unpaved haul roads
  - Product truck traffic on unpaved haul roads

3. The throughput of the facility shall be limited to 500,000 tpy. (25 Pa. Code § 127.12b)

4. Records of throughput shall be kept to determine compliance with the conditions of the plan approval. (25 Pa. Code § 127.12b)

5. This plant is subject to the applicable provisions of Standards of Performance for Nonmetallic Mineral Processing Plants set forth in 40 CFR Part 60, Subpart OOO. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses that follows unless otherwise noted:

Director  
Air Toxics and Radiation  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA  
19103-2029

Air Quality Program Manager  
Department of Environmental  
Protection  
Air Quality  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

6. The Owner/Operator shall not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the facility. (25 Pa. Code § 123.31)

7. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

8. The plant shall be equipped with a water spray dust suppression system which shall be operated on any and all occasions that each respective unit is operated. Water spray bars shall be located at each screen, crusher and transfer point and operated as necessary to prevent visible fugitive emissions from each respective unit. (25 Pa. Code § 127.12b)

9. A pressurized water truck shall be available to the site and utilized as necessary to prevent visible fugitive emissions from the plant and limit visible fugitive emissions from the use of roadways to zero at the property line. (25 Pa. Code § 127.12b)

10. The Owner/Operator shall perform a daily inspection for the presence of visible fugitive emissions and malodorous emissions from the emission sources covered by this plan approval. Records of the inspections shall be maintained in a log and include any corrective actions taken. (25 Pa. Code § 127.12b)

11. The Owner/Operator shall submit an annual facility-wide emissions report (AIMS Report) to the Department by March 1 of each year for the previous calendar year. (25 Pa. Code § 135.3)

12. All required records shall be kept onsite for a period of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

13. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met: (25 Pa. Code § 127.12b)

(a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the written Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance

with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an application for revision to a State-only Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 180-days, by submitting an extension request as described previously.

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

#### *General Conditions*

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

2. The issuance of this plan approval does not prevent the future adoption by the Department of Environmental Protection (Department) of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Pennsylvania APCA, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b (d), temporary operation of the sources is authorized to facilitate the shake-

down of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

5. (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

6. (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the

construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- (i) A justification for the extension.
- (ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

7. (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

8. (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with § 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. §§ 4008 and 114 of the CAA)

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code § 127.13a)

10. (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

11. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager  
Department of Environmental Protection

(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

12. (a) If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.  
Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southwest Region—Field Operation  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Nicholas J. Waryanka, P. E.  
Air Quality Engineer  
(412) 442-4172

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

**20-005B: W. L. Dunn Construction Co.** (180 North Franklin Street, Cochranon, PA 16314) for a plan approval to modify the throughput restrictions at the applicant's existing hot mix asphalt plant in East Fairfield Township, **Crawford County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their facility in East Fairfield Township, Crawford County. It will authorize the applicant to average their production rates over their daily production period to meet their current maximum production rate, as well as allow for a higher single-hour production limit during peak production events. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

This installation will result in no increase in annual emissions. The Plan Approval includes emissions restrictions for PM, fuel restrictions and restrictions on hourly and annual throughput, and will also include appropriate testing, recordkeeping and work practice requirements as needed to demonstrate compliance with applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available

for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval No. 20-005B.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

**25-124C: Scrap Salvage & Surplus, Inc.** (690 Glenwood Way, Butler, PA 16001), Notice is hereby given, under 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a Plan Approval for their facility located in Center Township, **Butler County**. This plan approval will authorize the applicant to install a 32,000 acfm capacity baghouse on their existing mobile torch cutting operation, to replace an existing 16,000 scfm capacity unit. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

This installation will result in no net increase in emissions. The plan approval includes emissions restrictions for PM and SO<sub>x</sub>, and will also include appropriate recordkeeping and work practice requirements as needed to demonstrate compliance with applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval No. 10-346B.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

**AMS 08091: LVI Environmental Services** (2250 East Adams Avenue, Philadelphia, PA 19124) for operation of an Extec Megabite C-12 concrete crusher with a 300 horsepower diesel engine in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 8.6 tons of NOx for the facility. The Plan Approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00003: ConocoPhillips** (4101 Post Road, Trainer, PA 19061) for renewal of the Title V Operating Permit in Trainer Borough, **Delaware County**. The initial permit was issued on February 24, 2003. The facility is a petroleum refinery. As a result of potential emissions of NOx, SOx, VOC, CO and PM, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The operation is subject to Compliance Assurance Monitoring under 40 CFR Part 64 and NSPS regulations. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**405-00112: Four Daughters, LLC** (1 Korn Street, Kingston, PA 18704) for operation of spray booths and associated air-cleaning devices, State-only Synthetic Minor Operating Permit in Kingston Borough, **Luzerne County**.

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

**14-00037: Spectrum Control, Inc.** (1900 West College Avenue, State College, PA 16801) for the operation of a ceramic capacitor manufacturing facility in Ferguson Township, **Centre County**.

The facility incorporates various material milling, mixing, pressing, spraying, drying, firing, assembly and the like operations as well as 48 natural gas-fired space heaters (with a total heat input of 18.59 mmBtu/hr), two batch vapor degreasers, a solvent dip tank and a 32.5 brake horsepower propane-fired emergency generator. The PM/PM10 emissions from a spray dryer, eight spray machines, two ink machines, a hammermill and four sifters are controlled by four cartridge collectors, only two of which exhaust to the outdoor atmosphere. The VOC and VHAP emissions from eight spray machines and two ink machines are controlled by a regenerative thermal oxidizer. The VOC emissions and VHAP emissions from one of the facility's two batch vapor degreasers are controlled by a refrigerated freeboard chiller. The PM/PM10 emissions from a spray booth incorporated in the facility's assembly operations are controlled by panel filters.

The air contaminant emissions from the facility are not expected to exceed 24.38 tons of VOCs, 12.48 tons of PM/PM10, 10.94 tons of NOx, 7.21 tons of CO, 5.49 tons of HAPs and .05 ton of SOx per year.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Plan Approval 14-399-016A, issued on February 6, 2007, (which superseded Plan Approval 14-399-016 issued on April 18, 2006,) and conditions previously established as requirements of a plan approval exemption determination made on March 12, 2008.

The conditions previously contained in Plan Approval 14-399-016A include:

1. A condition limiting the total combined VOC emissions from the facility's capacitor manufacturing operations (Source P101) and a solvent dip tank (Source P103) to no more than 21.9 tons in any 12-consecutive month period and the total combined VHAP emissions to no more than 5.3 tons in any 12-consecutive month period (of which no more than 3.7 tons in any 12-consecutive month period shall be of any single VHAP).

2. A condition limiting the total combined NOx, CO, SOx and PM/PM10 emissions from the facility's capacitor manufacturing operations (Source P101) to no more than .6, .5, .003 and 8.1 tons, respectively, in any 12-consecutive month period.

3. Conditions requiring the maintenance, and annual submission, of such records as are needed to demonstrate compliance with the emission limitations specified in 1. and 2. previously listed.

4. A condition limiting the PM/PM10 emissions in the exhaust of the two cartridge collectors and the regenerative thermal oxidizer associated with the facility's capacitor manufacturing operations (Source P101) to a maximum of .01 grains per dry standard cubic foot of effluent gas volume.

5. A condition restricting the fuel used in the regenerative thermal oxidizer to natural gas.

6. A condition requiring 100% of the VOC/VHAP emissions from the eight spray machines and two ink machines incorporated in the facility's capacitor manufacturing operations (Source P101) to be captured and ducted to the associated regenerative thermal oxidizer wherein at least 98%, by weight, shall be destroyed.

7. A condition requiring VOC destruction efficiency testing and methyl isobutyl ketone emission testing to be performed on the regenerative thermal oxidizer associated with the facility's capacitor manufacturing operations (Source P101) by no later than June 30, 2010, and every 2 years thereafter.

8. Conditions requiring the two cartridge collectors associated with the facility's capacitor manufacturing operations (Source P101) to be equipped with instrumentation to continuously monitor the pressure differential across the collectors and spare cartridges to be kept onsite for the respective collectors.

9. A condition requiring the regenerative thermal oxidizer associated with the facility's capacitor manufacturing operations (Source P101) to be equipped with instrumentation to continuously monitor and record the regenerative thermal oxidizer combustion chamber temperature as well as with low and high temperature alarms and alarms which activate for loss of compressed air and heat recovery chamber switching valve failure.

10. Conditions requiring the maintenance, and annual submission, of records of the identity, amount, VOC content, content of each individual VHAP and acetone content of all VOC-containing, VHAP-containing and acetone-containing materials used in the facility's capacitor manufacturing operations (Source P101) each month as well as the date, duration and air contaminant emission impact of any operation of the eight spray machines and two ink machines incorporated in the capacitor manufacturing operations (Source P101) at any time the regenerative thermal oxidizer is off-line.

11. A condition requiring the maintenance of records of the combustion chamber temperature of the regenerative thermal oxidizer associated with the facility's capacitor manufacturing operations (Source P101).

12. A condition requiring any air compressor supplying compressed air to the two cartridge collectors or regenerative thermal oxidizer associated with the facility's capacitor manufacturing operations (Source P101) to be equipped with an air dryer and oil trap.

13. A condition requiring all containers of VOC-containing, VHAP-containing and acetone-containing materials used in, or in association with, the facility's capacitor manufacturing operations (Source P101) to be closed when not in actual use, requiring all spray guns, lines, and the like to be cleaned by flushing a solid liquid stream of solvent into an appropriate container or by soaking equipment in a closed container of solvent, prohibiting solvents from being sprayed into the air or sprayed or flushed into a container as an atomized spray and requiring solvent-wet rags to be kept in closed containers when not in actual use.

14. A condition requiring the regenerative thermal oxidizer associated with the facility's capacitor manufacturing operations (Source P101) to maintain a combustion chamber temperature of at least 1,500° F for a retention time of at least one second.

15. A condition prohibiting the introduction of any VOC-containing, VHAP-containing or acetone-containing material into the spray dryer incorporated in the facility's capacitor manufacturing operations (Source P101).

16. A condition requiring the kilns incorporated in the facility's capacitor manufacturing operations (Source P101) to be operated with an oxidizing atmosphere at a temperature of at least 1,980° F.

17. A condition requiring the emission capture systems associated with the eight spray machines and two ink machines incorporated in the facility's capacitor manufacturing operations (Source P101) to be equipped with an alarm/interlock which will shut down the machines in the event of a capture system failure.

18. A condition allowing the eight spray machines and two ink machines incorporated in the facility's capacitor manufacturing operations (Source P101) to continue to operate in the event of a regenerative thermal oxidizer failure until the production run is finished provided that such occurrences do not total more than 25 hours in any 12-consecutive month period.

19. A condition allowing the cleaning of cartridges in the cartridge collector associated with a hammermill to occur only when the hammermill is not operating.

20. A condition limiting the amount of solvent used in one of the facility's two batch vapor degreasers (Source P102) to no more than 250 gallons in any 12-consecutive month period.

21. A condition limiting the solvent used in one of the facility's two batch vapor degreasers (Source P102) to solvent which contains no more than .1 pound of VHAPs per gallon.

22. Conditions which require one of the facility's two batch vapor degreasers (Source P102) to have a freeboard ratio of no less than 1.05 and to be equipped with a freeboard refrigeration device capable of maintaining a chilled air layer temperature of no greater than 50° F.

23. A condition requiring the freeboard refrigeration device associated with one of the facility's two batch vapor degreasers (Source P102) to be equipped with two independent refrigeration coils, only one of which shall be defrosted at any given time.

24. A condition prohibiting frost build up on the coils incorporated in the freeboard refrigeration device associated with one of the facility's two batch vapor degreasers (Source P102).

25. Conditions requiring the maintenance, and annual submission, of records of the identity, amount, VOC content and VHAP content of the solvent added to one of the facility's two batch vapor degreasers (Source P102) each month as well as the identity and amount of the solvent removed from the unit each month.

26. A condition prohibiting the use of solvents containing VHAPs in the facility's solvent dip tank (Source P103).

27. A condition requiring the facility's solvent dip tank (Source P103) to have a freeboard ratio of no less than .75.

28. Conditions requiring the maintenance, and annual submission, of records of the identity, amount, VOC content and VHAP content of the solvent added to the facility's solvent dip tank (Source P103) each month as well as the identity and amount of the solvent removed from the unit each month.

The conditions previously established as requirements of a plan approval exemption determination made for the second of the facility's two batch vapor degreasers (Source P104) on March 12, 2008, include:

29. A condition limiting the amount of solvent used to no more than 100 gallons in any 12-consecutive month period.

30. A condition prohibiting the use of a solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, chloroform or any combination of these, in a total concentration greater than 5% by weight.

31. Conditions prohibiting the use of a lip exhaust system and requiring reduced room draft and a freeboard ratio of at least 1.0.

32. A condition requiring the maintenance of records of the identity and amount of solvent added each month.

New conditions the Department proposes to incorporate into the operating permit to be issued include:

33. A condition requiring two cartridge collectors used to control PM/PM10 from a hammermill and four sifters to be exhausted indoors at all times.

34. A condition requiring the annual submission of records of the identity, amount, VOC content and VHAP content of the solvent added to the second of the facility's two batch vapor degreasers (Source P104) each month as well as the identity and amount of solvent removed from the unit each month.

35. A condition limiting the fuel used in the facility's emergency generator (Source P105) to propane or natural gas.

36. Conditions requiring the spray booth incorporated in the facility's assembly operations (Source P106) to be equipped with panel filters and spare panel filters to be kept onsite.

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

**10-00139: J.S. McCormick Co.** (1043 Branchton Road, Boyers, PA 16020-1405) for issuance of a Natural Minor Operating Permit to operate a facility that processes coke breeze for use in brake manufacturing and metallurgical purposes in Cherry Township, **Butler County**. The facility's primary emission sources include three rotary dryers, coke screening/shaking and three space heating furnaces.

**25-00969: Union Electric Steel Corp.** (P. O. Box 465, Carnegie, PA 15106-0465) to issue a renewal of the State-only Operating Permit for their facility at 1712 Green Garden Road in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include three electro slag remelt stations, four electrically heated slag pots, miscellaneous natural gas combustion sources and a parts cleaner.

## 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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**Permit Number 30031301 and NPDES Permit No. PA0235610, Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit and related NPDES permit for the 4 West Mine in Perry Township, **Greene County** to add surface acreage and an NPDES discharge point to install the Eisenhower Shaft Site. Surface Acres Proposed 2.6. Receiving stream: UNT to Glade Run, classified for the following use: WWF. Application received May 5, 2008.

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

**32980107 and NPDES No. PA0234800. Fossil Fuel, Inc.**, 690 Weaver Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 120.0 acres. Receiving streams: UNT to Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 18, 2008.

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

**03030102 and NPDES Permit No. PA0250350. AMFIRE Mining Co., LLC** (1 Energy Place, Latrobe, PA 15650). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 256.5 acres. Receiving streams: Long Run and UNT to Long Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received June 20, 2008.

**63813210 and NPDES Permit No. PA0615129. PA Coal Reclamation, Inc.** (P. O. Box 136, Cuddy, PA 15031). Revision application for importation and placement of reject material to an existing coal refuse reprocessing surface mine, located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving streams: UNT to Tenmile Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Tri-county Joint Municipal Authority. Application received June 25, 2008.

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

**37900110 and NPDES Permit No. PA0207993. The Ambrosia Coal & Construction Co.** (P. O. Box 422, Edinburg, PA 16116-9801). Renewal of an existing bituminous surface strip and auger operation in North Beaver Township, **Lawrence County** affecting 133.0 acres. Receiving streams: One UNT to Edwards Run (unclassified) and Edwards Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 23, 2008.

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

**12080101 and NPDES No. PA0256803. Allegheny Enterprises, Inc.** (3885 Roller Coaster Road, Corsica, PA 15829). Commencement, operation and restoration of a bituminous surface mine in Lumber and Shippen Townships, **Cameron County**, affecting 469.7 acres. Receiving streams: Finley and Tannery Hollow Runs, classified for the following uses: CWF and currently designated as CWF, but its existing use classification was recently designated Exceptional Value. There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2008.

**17080107 and NPDES No. PA0256811. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface auger-coal mine in Decatur and Woodward Townships, **Clearfield County**, affecting 298.7 acres. Receiving stream: Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 19, 2008.

*Noncoal Applications Returned*

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

**65070601. Delmont Quality Limestone, LLC** (111 Freeport Road, Pittsburgh, PA 15215). Application for commencement, operation and reclamation of a noncoal surface mining site located in Washington and Bell Townships, **Westmoreland County**, proposed to affect 307.8 acres, is hereby cancelled/returned. Receiving streams: Beaver Run and UNTs to Beaver Run. Application received December 21, 2007. Application cancelled/returned June 26, 2008

*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.

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

**37880304. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Renewal of NPDES Permit No. PA0204906, Slippery Rock Township, **Lawrence County**. Receiving streams: two UNTs to Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. NPDES renewal application received June 20, 2008.

**37930302. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Renewal of NPDES Permit No. PA0211583, Slippery Rock Township, **Lawrence County**. Receiving streams: UNT to Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. NPDES renewal application received June 20, 2008.

**10850306. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Renewal of NPDES Permit No. PA0106453, Marion Township, **Butler County**. Receiving streams: Two UNTs of Blacks Creek to Blacks Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES renewal application received June 20, 2008.

## 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

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

**E22-534: Thomas B. Richey, Blue Mountain Commons HOP**, Cedar Shopping Center, Inc., 3307 Trindle Road, Camp Hill, PA 17011, Susquehanna Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 16.0-foot long single span pedestrian bridge; extend an existing 50.0-foot long 10.0-foot 8.0-inch by 6.0-foot 11.0-inch corrugated metal arch culvert a total of 32.0 feet, 12.0 feet downstream and 20.0 feet upstream in a UNT to Paxton Creek (WWF); to extend an existing 38.0-inch by 60.0-inch stormwater pipe outfall 14.0 feet discharging to a UNT to Paxton Creek (WWF); to place approximately 646.0 cubic yards of fill associated with the road widening and culvert extension in the floodway of a UNT to Paxton Creek (WWF). The project is located north of Linglestown Road (SR 0039) approximately 1,000.0 feet west of its intersection with North Progress Avenue (Harrisburg East, PA Quadrangle N: 14.4 inches; W: 15.5 inches, Latitude 40° 19' 44"; Longitude: 76° 51' 40") in Susquehanna Township, Dauphin County. The purpose of the project is to increase the road width for turning lanes.

**E22-538: ABBCO Real Properties, Linden Center Redevelopment**, Attn: James A. Nardo, P. O. Box 442, Hershey, PA 17033, Lower Swatara Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To remove an existing 700.0-foot long, 30.0-inch by 60.0-inch CMP and to install and maintain two 60.0-inch HDPE pipes enclosing a 700.0-foot long section of a UNT to the Susquehanna River (WWF) permanently impacting

0.011 acre of PEM wetland. The project is located north of the Harrisburg Pike (SR 0230) just east of the Harrisburg International Airport connector (SR 3032) (Steelton, PA Quadrangle N: 21.5 inches; W: 1.1 inch, Latitude: 40° 12' 03"; Longitude: 76° 45' 26") in Lower Swatara Township, Dauphin County. The proposed improvements are for the redevelopment of what was previously the Olmstead Plaza. The wetland impact is considered de minimis and no mitigation is required.

**E21-406: Wormleysburg Borough, Wormleysburg Trail**, 20 Market Street, Wormleysburg, PA 17043, Wormleysburg Borough, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 9.0-foot wide by 3,100.0-foot long boardwalk along the right bank 100-year floodway and floodplain of the Susquehanna River (WWF) in order to provide a pedestrian walkway located downstream of the Harvey-Taylor Bridge (Harrisburg, West PA Quadrangle N: 1.60 inches; W: 3.93 inches, Latitude: 40° 15' 32"; Longitude: 76° 54' 11" to N: 0.50 inch; W: 2.83 inches, Latitude: 40° 15' 10"; Longitude: 76° 53' 43") in Wormleysburg Borough, Cumberland County.

**E67-853: Creedin S. Paulus, Paulus Farm Pond**, 41 Fishers Run Road, Dillsburg, PA 17019, Monaghan Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 1.15-acre pond impacting 0.41-acre of Palustine Emergent Wetland located in the floodway of a UNT to Fisher's Run (CWF) for the purpose of water supply for up to 25 cattle and irrigation for approximately 100 acres of apple orchards and 5 acres of small fruit vineyards. The project is located just north of Big Oak Road near its intersection with Fisher's Run Road (Wellsville, PA Quadrangle N: 22.4 inches; W: 12.9 inches, Latitude: 40° 07' 21.8"; Longitude: 76° 58' 6.2") in Monaghan Township, York County. The applicant is required to provide a minimum of 0.53 acre of wetland replacement onsite.

**E44-136: Municipal Authority of the Township of Union**, P. O. Box 5625, Belleville, PA 17004-9701, Union Township, **Mifflin County**, United States Army Corps of Engineers, Baltimore District.

To relocate and maintain an 8.0-inch PVC sanitary sewer line crossing Little Kishacoquillas Creek approximately 3.05 feet downstream (Belleville, PA Quadrangle N: 19.0 inches; W: 15.4 inches, Latitude: 40° 36' 17.5"; Longitude 77° 44' 08.5") of the SR 0305, Segment 0080, Offset 0000 Bridge over Little Kishacoquillas Creek in Union Township, Mifflin County, for the purpose of replacing the SR 0305, Segment 0080, Offset 0000 Bridge over Little Kishacoquillas Creek.

**E07-422: Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Logan Township, **Blair County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) a 50.0-foot long stream channel relocation of a perennial UNT to Dry Gap Run (HQ-CWF) (Altoona, PA Quadrangle N: 5.6 inches; W: 10.63 inches, Latitude: 40° 31' 54.96" N; Longitude: 78° 27' 10.69"); (2) a 12.0-inch outfall structure discharging to a UNT to Dry Gap Run (HQ-CWF) (Altoona, PA Quadrangle N: 5.6 inches; W: 10.63 inches, Latitude: 40° 31' 54.96" N; Longitude: 78° 27' 10.69"); and (3) an extension of 8.0 lineal feet of 24.0-inch culvert pipe to an existing 24.0-inch cast iron pipe having a total length of 69.0 feet within a UNT to Dry Gap Run (HQ-CWF)

(Altoona, PA Quadrangle N: 5.6 inches; W: 10.63 inches, Latitude: 40° 31' 54.96" N; Longitude: 78° 27' 10.69"). The project will permanently impact 58.0 feet of perennial stream, all for the purpose of providing safety improvement to SR 0036, Segment 0530 in Logan Township, Blair County.

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

**E17-445. Paris Cleaners, Inc.**, 67 Hoover Avenue, DuBois, PA 15801. Water Obstruction and Encroachment Joint Permit Application for proposed construction of a 50,000 ft<sup>2</sup> industrial building and appurtenant structures in the City of Dubois, **Clearfield County**, United States Army Corps of Engineers, Pittsburgh District (Luthersburg, PA Quadrangle N: 21.5 inches; W: 16.5 inches).

The applicant proposes to place and maintain fill within 0.17 acre of PEM wetlands for the purposes of constructing a 50,000 ft<sup>2</sup> industrial building and appurtenant structures on a 4.5 acre site. The watershed has a Chapter 93 water use protection designation of TSF and the wetlands are classified as "other wetlands" by the Department of Environmental Protection. Wetland replacement is proposed through the use of a monetary contribution to the Pennsylvania Wetland Replacement Project.

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

**E02-1583. John Scott**, 1202 Willoughby Lane, Mt. Pleasant, SC 29466. To construct and maintain a discharge structure in Sewickley Hill Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 15.8"; W: 2.6", Latitude 40° 35' 15.5"; Longitude: 80° 08' 35.7"). To construct and maintain a discharge structure consisting of a 4" pipe and R4 stone rip rap, on a UNT to Little Sewickley Creek (HQ, TSF), for the purpose of discharging effluent from an onlot sewage treatment facility.

**E04-323. Department of Transportation**, 25 Thomas Run Road, Bridgeville, PA 15017. To remove existing bridge and to construct and maintain culvert in Industry Borough, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Midland, PA Quadrangle N: 5.01 inches; W: 3.13 inches, Latitude: 40° 39' 9"; Longitude: 80° 23' 51"). The applicant proposes to remove the existing single-span bridge located over Sixmile Run (WWF); to construct and maintain a new 30.0' wide and 12.5' high and 116' long high Arch culvert, located approximately 200' downstream of the existing structure; to construct and maintain 88' of riprap protection on the upstream end of the new culvert and 173' of riprap protection on the downstream end of the new culvert; to construct and maintain a temporary stream relocation 172' long of the same stream; and to place and maintain fill in a de minimis wetland (0.017 acre) (PEM). The work is part of proposed realignment of Engle Road (SR 4032) and its intersection with SR 0068. To compensate for the wetland impacts the applicant proposes to make a payment to the wetland replacement fund.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA22-016: Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a passive acid mine drainage treatment system, two created wetlands and an outfall channel along Bear Creek (CWF) resulting in 0.36 acre of permanent impacts to four PEM wetlands (Lykens, PA Quadrangle Latitude: N: 40° 34' 52"; Longitude: W: 76° 41' 56", North: 14.7 inches; West: 10.3 inches) for the purpose of treating acid mine drainage to Bear Creek (CWF) and creating compensatory mitigation wetlands.

**D46-030EA. Commonwealth of Pennsylvania**, Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476. Plymouth Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

Project proposes to breach and remove Plymouth Dam across the Schuylkill River (WWF, MF) for the purpose of

eliminating a threat to public safety and restoring the river to a free flowing condition. The project will restore approximately 1,000 lineal feet of stream channel. The dam is located at River Mile 18 (Norristown, PA Quadrangle Latitude: 40° 04' 36"; Longitude: 75° 19' 00").

**DAM SAFETY**

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

**D52-004A. Westcolang Lake Dam, Westcolang Lake Association, c/o Rolf Naumann**, 113 Bay Center Circle, Hawley, PA 18428. To modify, operate and maintain the Westcolang Lake Dam across Westcolang Creek (HQ-CWF), with no proposed impacts to wetlands or the stream channel, for the purpose of rehabilitating the existing dam and increasing spillway capacity to ensure compliance with Commonwealth Regulations (Narrowsburg, PA Quadrangle N: 2.0 inches; W: 5.3 inches) in Lackawaxen Township, **Pike County**.

**ACTIONS**

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal 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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0036081	Lehigh County Authority P. O. Box 3348 1053 Spruce Street Allentown, PA 18106	North Whitehall Township Lehigh County	Lehigh River Watershed 2C TSF	Y
PA-0021873	Borough of Jim Thorpe 421 North Street Jim Thorpe, PA 18229-2528	Borough of Jim Thorpe Carbon County	Lehigh River 2B TSF	Y
PA-0063754	Pennsylvania American Water 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701-1397	Dallas Township Luzerne County	Huntsville Reservoir CWF 5B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088765 (Sew)	Nelson Wenger 100 East Queen Street Stevens, PA 17678	Lancaster County Cocalico Township	Indian Run 7-J	Y
PA0051900 (Sew)	Robeson Township Municipal Authority 2689 Main Street Birdsboro, PA 19508	Berks County Robeson Township	Schuylkill River 3-C	Y
PA0084638 (IW)	Borough of Boyertown 100 South Washington Street Boyertown, PA 19512-1599	Berks County Earl Township	UNT to Ironstone Creek 3-D	Y
PA0027405 (Sew)	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Lancaster County Ephrata Borough	Cocalico Creek 7-J	Y
PA0087181 (Sew)	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Lancaster County Ephrata Borough	Cocalico Creek 7-J	Y
PA0080004 (Sew)	Martin's Famous Pastry Shoppe, Inc. 1000 Potato Valley Road Chambersburg, PA 17202	Franklin County Antrim Township	UNT Conococheague Creek 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0000302 Industrial Waste	PA-American Water Co. 1034 Waterworks Road Indiana, PA 15701	Indiana County White Township	Two Lick Creek	Y
PA0095273 Industrial Waste	PA Brine Treatment, Inc. 931 Bells Mill Road Josephine, PA 15750	Indiana County Burrell Township	Blacklick Creek	Y
PA0028258 Sewage	Ohiopyle Borough P. O. Box 83 Ohiopyle, PA 15470	Fayette County Ohiopyle Borough	Meadow Run	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. PA0056766**, Industrial Waste, **City of Philadelphia, Department of Commerce—Division of Aviation**, Philadelphia International Airport, Terminal E, Philadelphia, PA 19153. This proposed facility is located in Tincum Township and City of Philadelphia, **Delaware and Philadelphia Counties**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater runoff into Mingo Creek in Watershed 3F.

**NPDES Permit No. PA0244295**, Sewage, **Franconia Sewer Authority**, 671 Allentown Road, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the issuance to discharge 0.15 mgd of treated sewage to Skippack Creek in Watershed 3E—Perkiomen.

**NPDES Permit No. PA0021857, Amendment No. 1**, Sewage, **Souderton Borough**, 31 West Summit Street, Souderton, PA 18964. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to discharge wastewater from the STP into a UNT to Skippack Creek in Watershed 3E.

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

#### Public Notice of Permit Issuance

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on June 30, 2008, issued a National Pollutant Discharge Elimination System Permit to:

**NPDES Permit No. PA0027197**, Sewage, **Harrisburg Authority**, One Keystone Plaza, Front and Market Streets, Harrisburg, PA 17101. This proposed facility is located in Harrisburg City, **Dauphin County**.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
NH <sub>3</sub> -N (5-1 to 10-31) (6-1-2012 to 6-30-2013)	11	—	22

Individuals 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.

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

**NPDES Permit No. PA0240133**, Industrial Waste, **Mahoning Distribution, Inc.**, 35 Main Street, Corsica, PA 15829. This proposed facility is located in Knox Borough, **Clarion County**.

Description of Proposed Action/Activity: A new NPDES Permit for a new discharge of remediated groundwater contaminated with unleaded gasoline.

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

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

**WQM Permit No. WQG01360801**, Sewage, **Thomas and Rachel Wolf**, 533 Snyder Hollow Road, New Providence, PA 17560. This proposed facility is located in Providence Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single-family residence located at 371 Snyder Hollow Road.

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

**WQM Permit No. 1407408**, Sewerage, **Pennsylvania State University**, 101P Physical Plant Building, University Park, PA 16802. This facility is located in State College Borough, College and Patton Townships, **Centre County**.

Description of Proposed Action/Activity: This permit issuance consolidates and clarifies numerous permits issued since the initial construction of the treatment facilities. No significant changes were made to the existing permit conditions.

**WQM Permit No. 6008401**, Sewerage 4952, **White Deer Township Sewer Authority**, P. O. Box 90, West Milton, PA 17786. This existing facility is located in White Deer Township, **Union County**.

Description of Action/Activity: The applicant is approved to replace some of the existing wastewater treatment facilities with upgraded equipment. The upgraded facilities will include a new influent structure, chlorination system, an improved sludge building with new sludge dewatering equipment.

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

**WQM Permit No. 6207401**, Sewerage, **Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: This project will provide residential sewage collection service to camping and recreational campsites within Chapman State Park, through pumping stations located at Campground Area (Pump Station No. 1); Concession Stand and First Aid Station (Pump Station No. 2) and Existing Restroom (Pump Station No. 3). Sewage from these three pumping stations will flow through a common force main to the eastern edge of the Park and an existing municipal gravity sewer main which then flows to the Kinzua-Warren County Joint Authority WWTP.

**WQM Permit No. WQG018624**, Sewerage, **Richard E. Gleichsner**, 7080 East Lake Road, Erie, PA 16511. This proposed facility is located in Harborcreek Township, **Erie County**.

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

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1507039	Church of Jesus Christ of Latter Day Saints c/o NY Project Management Office P. O. Box 318 Ramsey, NJ 07446	Chester	West Bradford Township	Broad Run EV
PAI01 1508020	Chesterbrook II Land Owner, LP One Pitcairn Place Suite 1500 Jenkintown, PA 19046-3599	Chester	Tredyffrin Township	Valley Creek EV

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of 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-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Radnor Township Delaware County	PAG200 2305060-1	Radnor Township School District 1355 South Wayne Avenue Wayne, PA 19087	Ithan Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4606137-1	TH Properties 345 Main Street Harleysville, PA 19438	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Horsham Township Montgomery County	PAG200 4608016	Horsham Realty Partners, LP 636 Old York Road Jenkintown, PA 19046	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG200 4608025	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	UNT Towamencin Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bryn Athyn Borough Montgomery County	PAG200 4607082-1	Academy of New Church 2765 Huntingdon Pike P. O. Box 711 Bryn Athyn, PA 19009	Huntingdon Valley Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG200 4607185	William Maquire 1400 Waverly Road Gladywne, PA 19035	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4607193	Hatfield Quality Meats, Inc. 2700 Funks Road P. O. Box 902 Hatfield, PA 19440	UNT Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4608045	Archdiocese of Philadelphia 222 North Seventeenth Street Philadelphia, PA 19103	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Norristown Borough Montgomery County	PAG200 4608091	Farragut Family, LP 1000 East Main Street Norristown, PA 19401	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG200 4608054	Perkiomen Valley Airport 767 Collegeville Pike Collegeville, PA 19426	UNT Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG200 4608026	Bill Mann P. O. Box 97 858 Keller Creamery Road Telford, PA 18918	Schlegal Road TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG200 4608031	Robert Lilick P. O. Box 26572 Collegeville, PA 19426	Frog Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough West Pottsgrove Township Montgomery County	PAG200 4607093-1	Sapphire Development Companies 357 South Gulph Road Suite 300 King of Prussia, PA 19406	Manatawny Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4608022	Upper Providence Township 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG200 4608059	Drs. James and Virginia Lowe 901 Great Spring Road Bryn Mawr, PA 19010	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG201 5107046	V & H Associates 501 North 22nd Street Philadelphia, PA 19130-3507	Tidal Schuylkill B WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108010	Inter-County Development Corp. 828 Red Lion Road Philadelphia, PA 19115-9171	Pennypack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethlehem Township Northampton County	PAG2004808010	Petie, Inc. Attn: Mark Wagner 3511 Country Club Road Easton, PA 18045	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Salem Township Luzerne County	PAG2004008004	Transcontinental Gas Pipe Line Corporation 2800 Post Oak Boulevard P. O. Box 1396 Houston, TX 77251-1396	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Dallas Township Luzerne County	PAG2004007046	Masonic Village at Dallas Attn: Joseph Murphy One Masonic Drive Elizabethtown, PA 17022	Tributary to Toby Creek CWF	Luzerne County Conservation District (570) 674-7991
Liverpool Township Perry County	PAG2035008008	S. Dean Stephens 183 Riverview Road Liverpool, PA 17045	Boyer Run—UNT to Susquehanna River WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Lower Allen Township Cumberland County	PAG2002108013	PA PIPE, LLC 1250 St. Johns Road Camp Hill, PA 17011	Cedar Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Lower Swatara Township Dauphin County	PAG2002208009	Fulling Mill, LLC 120 West Airport Road Lititz, PA 17543	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002203014-R	Eastern Communities, LP 7300 Derry Street Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Middlesex Township Cumberland County	PAG2002107046	Francis McNaughton McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Conodoguinet WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Bethel Township Berks County	PAG2000608033	Ray and Jenifer Hershey 340 Bashore Street Bethel, PA 19507	UNT to Crosskill Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Amity Township Berks County	PAG2000608031	Walter Greth Greth Development Group, Inc. P. O. Box 305 Temple, PA 19560-0305	Leaf Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bonneauville Borough Adams County	PAG2000103004R	S & A Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Littles Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Berwick Township Adams County	PAG2000108004	Don Irwin Insight Development, LLC 1943 Monterey Drive Mechanicsburg, PA 17050	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Germany Township Adams County	PAG2000108006	Jack Digangi Innovative Remediation Technologies, LLC P. O. Box 824 Westminster, MD 21158	UNT to Piney Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Butler Township Adams County	PAR100065R	Randy Test Test Enterprises, Inc. 1235 Abbottstown Pike Hanover, PA 17331	UNT to Beaver Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Clearfield County Sandy Township	PAG2001708008	Jones Development Company, LLC 4520 Madison Suite 100 Kansas City, MO 64111	Sandy Lick Creek CWF, TSF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Montour County Derry Township	PAG2004708004	Peter Drost 4070 Mountain Street Beamsville, OR LOR 1B7	Mud Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Tioga County Westfield Borough	PAG2005908003	Rod Cochran Agency 107 West Main Street Westfield, PA 16950	Cowanesque River CWF, TSF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Union County Buffalo Township	PAG2006008006	Charles Parsel 406 South 22nd Street Lewisburg, PA 17837	UNT to Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Cambria County Richland Township	PAG2001108006	Berkebile Excavating Co., Inc. P. O. Box 358 Tire Hill, PA 15959	UNT Stonycreek River CWF	Cambria County Conservation District (814) 472-2120

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler County Cranberry Township	PAG2001008004	The Barn Robert Colosimo Daroco, Inc. 3004 Babcock Boulevard Suite 325 Pittsburgh, PA 15237	Brush Creek WWF Wolfe Run WWF	Butler County Conservation District (724) 284-5270
Butler Township	PAG2001008013	AK Steel—Proposed New Railroad Track AK Steel Corporation P. O. Box 832 Butler, PA 16003	Rocklick Creek WWF	Butler County Conservation District (724) 284-5270
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tioga County Wellsboro Borough	PAR804867	Department of Transportation Engineering District 3-0 715 Jordan Avenue Montoursville, PA 17754	Kelsey Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Thornbury Township Delaware County	PAG040088	H. Fred Read 30 Slitting Mill Road Glen Mills, PA 19342	UNT to Chester Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Amwell Township Washington County	PAG046136	David C. Smydo 69 Robinson Road Scenery Hill, PA 15360	Tributary to Little Ten Mile Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Sewickley Township Westmoreland County	PAG046103	Bruce W. Huber, Jr. 569 Greenhills Road Herminie, PA 15637	UNT	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mt. Pleasant Township Westmoreland County	PAG046169	George G. Gula 3801 Slopehill Road Mt. Pleasant, PA 15666	UNT of Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Harborcreek Township Erie County	PAG049435	Richard E. Gleichsner 7080 East Lake Road Erie, PA 16511	Eight Mile Creek 15-8M	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048891	Flory Kondzielski 618 Seroka Road Waterford, PA 16441	UNT to Lake LeBoeuf 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Indiana Borough Indiana County	PAG056229	Shell Oil Products, US 3139 Village Drive Waynesboro, VA 22980	Marsh Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Huntingdon Township Westmoreland County	PAG096113	AA Affordable Sanitation 425 Fitz Henry Road Smithton, PA 15479	Skokut Farms 425 Fitz Henry Road Smithton, PA 15479	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lebanon County South Annville Township	PAG123593	Gerald Musser— Providence Egg Producers 118 Killinger Road Annville, PA 17003	Killinger Creek 7-D TSF	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Manheim Township	PAG123662	Joseph and James Stahl—Havest Lane Farm 910 Jake Landis Road Lititz, PA 17543	UNT Conestoga River 7-J WWF	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Mt. Joy Township	PAG123663	David Rosenberry Gretna View Farms 3709 North Colebrook Road Manheim, PA 17545	Little Chickies 7-G TSF	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Buffalo Township Union County	PAG124833	Jonathan Dietrich 5931 Buffalo Road Mifflinburg, PA 17844	UNT to Beaver Run CWF	Northcentral Regional Office Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529

## **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**

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

**Permit No. 3480046, Operations Permit, Public Water Supply.**

Applicant **Bethlehem Authority**  
10 East Church Street  
Bethlehem, PA 18018  
Lehigh Township

County **Northampton**

Type of Facility PWS

Consulting Engineer Phillip McLachlan, P. E.  
Malcolm Pirnie, Inc.  
111 South Independence  
Mall—East  
Suite 1010  
Philadelphia, PA 19107

Permit to Operate Issued June 18, 2008

**Permit No. 2409002, Operations Permit, Public Water Supply.**

Applicant **Pennsylvania American Water**  
800 West Hersheypark Drive  
Hershey, PA 17033  
Conyngham Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Scott Thomas, P. E.  
Pennsylvania American Water  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit to Operate Issued June 18, 2008

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

**Permit No. 2208503 MA, Minor Amendment, Public Water Supply.**

Applicant **Susquehanna Area Regional Airport Authority**  
Lower Swatara Township

Municipality **Dauphin**

County

Type of Facility Repainting of a 400,000-gallon elevated storage tank.

Consulting Engineer John L. Latsha, P. E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct Issued June 24, 2008

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

**Permit No. 1408501—Construction, Public Water Supply.**

Applicant **Rockview State Correctional Institute**

Township or Borough Benner Township

County **Centre**

Responsible Official Franklin J. Tennis  
Superintendent  
SCI Rockview  
Box A  
Bellefonte, PA 16823-0820

Type of Facility Public Water  
Supply—Construction

Consulting Engineer Walter Jenko, P. E.  
Chester Engineers  
260 Airside Drive  
Moon Township, PA 15108

Permit Issued Date June 25, 2008

Description of Action Installation of approximately 17,225 LF of raw water transmission main to transport Benner Spring raw water to the existing filtration plant, rehabilitation of the existing Benner Spring Pump Station No. 1 and construction of a new Benner Spring Pump Station No. 2 and valve vault.

**Permit No. 5908502—Construction, Public Water Supply.**

Applicant **Mansfield Borough Municipal Authority**

Township or Borough Mansfield Borough

County **Tioga**

Responsible Official Robert Bartlett, Chairperson  
19 East Wellsboro Street  
Mansfield, PA 16933

Type of Facility Public Water  
Supply—Construction

Consulting Engineer Jimmie Joe Carl, P. E.  
MRB Group, P.C.  
2750 Westinghouse Road  
Suite 1  
Horseheads, NY 14845

Permit Issued Date June 30, 2008

Description of Action Installation of a new 350,000 gallon welded steel water storage tank. Westside water storage tank.

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

**Permit No. 0208502, Public Water Supply.**

Applicant **Plum Borough Municipal Authority**  
4555 New Texas Road  
Pittsburgh, PA 15239

Borough or Township Plum Borough

County **Allegheny**

Type of Facility High School pump station

Consulting Engineer R. F. Mitall & Associates, Inc.  
117 Sagamore Hill Road  
Pittsburgh, PA 15239

Permit to Construct June 17, 2008  
Issued

**Permit No. 0308501**, Public Water Supply.

Applicant **Templeton Water Company**  
Box 345  
Templeton, PA 16259

Borough or Township Pine Township  
County **Armstrong**

Type of Facility Booster station

Consulting Engineer Morris Knowles & Associates,  
Inc.  
443 Athena Drive  
Delmont, PA 15626

Permit to Construct June 19, 2008  
Issued

**Permit No. 5608504**, Public Water Supply.

Applicant **Windber Area Authority**  
1700 Stockholm Avenue  
Windber, PA 15963

Borough or Township Richland Township  
Windber Borough

County **Cambria and Somerset**

Type of Facility Water storage tanks

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct June 26, 2008  
Issued

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672 (PWSID No. 5260036) City of Connellsville, **Fayette County** on June 16, 2008, for the operation of facilities approved under Construction Permit No. 2680501MA.

**Operations Permit** issued to **Torrance State Hospital**, P. O. Box 111, Torrance, PA 15779 (PWSID No. 5650036) Derry Township, **Westmoreland County** on June 25, 2008, for the operation of facilities approved under Construction Permit No. 6507504.

**Operations Permit** issued to **Conemaugh Township Municipal Authority**, Box 429, 113 South Main Street, Davidsville, PA 15928 (PWSID No. 4560048) Conemaugh Township, **Somerset County** on June 25, 2008, for the operation of facilities approved under Construction Permit No. 5606501MA.

**Operations Permit** issued to **Latrobe Municipal Authority**, 104 Guerrier Road, Latrobe, PA 15650 (PWSID No. 5650060) Derry Township, **Westmoreland County** on June 26, 2008, for the operation of facilities approved under Innovative Technology Construction Permit No. 6507503.

**Operations Permit** issued to **Borough of Somerset**, 340 West Union Street, Somerset, PA 15501 (PWSID No. 4560042) Jefferson Township, **Somerset County** on June 27, 2008, for the operation of facilities approved under Construction Permit No. 5607501.

**Permit No. 0307502MA, Minor Amendment**, Public Water Supply.

Applicant

**Worthington-West Franklin Joint Municipal Authority**  
102 West Main Street  
Worthington, PA 16262

Borough or Township

West Franklin Township

County

**Armstrong**

Type of Facility

488,000 gallon water storage tank

Consulting Engineer

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

Permit to Operate  
Issued

June 27, 2008

**Permit No. 3279503A1-T1, Minor Amendment**, Public Water Supply.

Applicant

**Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

Borough or Township

Young Township

County

**Indiana**

Type of Facility

Crooked Creek water treatment plant

Consulting Engineer

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

Permit to Operate  
Issued

June 25, 2008

**Permit No. 3279503-T1, Minor Amendment**, Public Water Supply.

Applicant

**Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

Borough or Township

Jacksonville Borough; Blacklick,  
Center and Young Townships

County

**Indiana**

Type of Facility

Crooked Creek water treatment plant

Consulting Engineer

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

Permit to Operate  
Issued

June 25, 2008

**Permit No. 3292502-T1, Minor Amendment**, Public Water Supply.

Applicant

**Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

Borough or Township

Young Township

County

**Indiana**

Type of Facility

Crooked Creek water treatment plant

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

Permit to Operate June 25, 2008  
Issued

**Permit No. 3279503A2-T1, Minor Amendment, Public Water Supply.**

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

Borough or Township Young Township  
County **Indiana**

Type of Facility Crooked Creek water treatment plant

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

Permit to Operate June 25, 2008  
Issued

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

**Permit No. 1008501, Public Water Supply.**

Applicant **Slippery Rock Municipal Authority**

Township or Borough Slippery Rock  
County **Butler County**

Type of Facility Public Water Supply

Consulting Engineer William C. Smith, P. E.  
Thomas Construction, Inc.  
310 Diamond Road  
Grove City, PA 16127

Permit to Construct June 25, 2008  
Issued

**Permit No. 2408501, Public Water Supply.**

Applicant **Wilcox Water Company, Inc.**

Township or Borough Jones Township  
County **Elk County**

Type of Facility Public Water Supply

Consulting Engineer Allan R. Vanderpoel, P. E.  
E & M Engineers & Surveyors, PC  
24 Derrick Road  
Bradford, PA 16701

Permit to Construct June 30, 2008  
Issued

**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>
Delaware Township	R. R. 1 Box 410 Thompsontown, PA 17094	Juniata

*Plan Description:* The approved plan revision provides for a new small flow treatment facility to replace a malfunctioning onlot sewage system. It will have a treated discharge of 400 gpd to Delaware Creek, a tributary to the Juniata River. The proposed facility will serve the Velma Kerstetter single-family residence. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Drumore Township	P. O. Box 38 Drumore, PA 17518	Lancaster

*Plan Description:* The approved plan provides for an onlot sewage disposal system management program, adoption of an ordinance stipulating requirements for the ownership, operations and maintenance of nonmunicipal sewage collection, treatment and disposal facilities and an education program on the merits of septic tank pumping and maintenance. The Department of Environment Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spring Township	2800 Shillington Road Reading, PA 19608	Berks

*Plan Description:* The approved plan provides for construction and operation of a community sewage treatment system with drip irrigation to serve Vinemont, upgrade of the Reedy Road Pump Station, upgrade and expansion of the Township WWTP to 2.0 mgd, inflow and infiltration removal work on the Wheatfield Road Interceptor and a commitment to negotiate intermunicipal agreements with surrounding municipalities. 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.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	3608 West 26th Street Erie, PA 16506	Erie

*Plan Description:* The approved plan provides for the construction of sanitary sewer improvements to serve residential properties, including six existing homes, along Arbuckle Road east of Schultz Road. Department of Environmental Protection reference No. M6-07-043.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jones Township	P. O. Box 25 Wilcox, PA 15870	Elk

*Plan Description:* The approved plan provides for documentation of the existing wastewater treatment system serving the USDA Twin Lakes Recreation Area in the Allegheny National Forest. The wastewater system includes gravity and pressure sewage collection and an aerated lagoon treatment system with spray irrigation disposal. Any required NPDES Permits or WQM Permits must be obtained.

## 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:

#### Notice of Settlement under HSCA and CERCLA

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) (42 U.S.C.A. §§ 9601—9675), has entered into a De Minimis Settlement Agreement (DSA) with Richard and Susan Dole Armstrong (Armstrongs) relating to the William Dick Lagoons Superfund Site in West Caln Township.

The William Dick Lagoons Site is a National Priority List Site under CERCLA of approximately 4.5 acres located along Telegraph and North Sandy Hill Roads in West Caln Township, PA. The Site makes up a small portion of a 170 acre tract of property (Property) which is being sold by the Armstrongs to West Caln Township for permanent preservation as open space in Chester County.

The Site consists of significant soils and groundwater contamination associated with former hazardous waste disposal operations in lagoons located on the Site. The USEPA, in conjunction with the Department, has implemented several remedial response actions at the Site, including the installation of a public water supply system to affected residences and various soil and groundwater treatment remedies.

The Armstrongs inherited the Property from William Dick, a/k/a Wassal Dick in or around 1983. The Armstrongs have asserted, and the Department has no information to indicate otherwise, that they neither caused nor contributed to any contamination at the William Dick Site. Moreover, the Armstrongs have cooperated fully with the Department in its oversight of response actions at the Site. The Department has determined that the transfer of the property to West Caln Township for the preservation of open space in Chester County in perpetuity is consistent with, and an important component of, a sound land-use policy and will provide for an enhanced wildlife habitat area, long-term protection for an important groundwater recharge and source area for certain waters of this Commonwealth, and increased recreational opportunities for the citizens of this Commonwealth. Under the terms of the DSA with the Department, the Armstrongs will make a contribution to the Department's response costs for the Site in exchange for a covenant not to sue and contribution protection from the Commonwealth.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The DSA may be examined from 8 a.m. to 4 p.m. at the Department's Offices at 2 East Main Street, Norristown, PA 19401 by contacting either Ragesh Patel at (484) 250-5719 or Anderson Lee Hartzell at (484) 250-5866. A public comment period on the DSA will extend for a period of 60 days from the date of publication of this Notice. Interested persons may submit written comments regarding the DSA to the Department by submitting them to Ragesh Patel at the previous address.

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

**Brigadoon Tract, Darby Township, Delaware County.** Matthew Overgaugh, Kleinfelder East In., 800 East Washington Street, West Chester, PA 19380, Rachel Goldberg, Kleinfelder East In., 800 East Washington Street, West Chester, PA 19380 on behalf of Norman Henss, The Henderson Group, 112 Chesley Drive, Suite 200, Media, PA 19063 has submitted a Final Report concerning remediation of site Groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Hirshenhorn Residence, Upper Township, Montgomery County.** Staci Cottone, J & J Spill Service &



Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Steve Hirshenhorn, 310 Harner Drive, Maple Glen, PA 19002 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Yamamoto Farm**, Newtown Township, **Bucks County**. Scott Alderfer, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Lawrence Dugan, Orleans Homebuilders, Inc., 3333 Street Road, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Bryn Mawr Hospital**, Lower Merion Township, **Montgomery County**. Robert Terefenko, Center Point Services, Inc., 526 Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Al Leone, Bryn Mawr Hospital, 130 South Bryn Mawr Avenue, Bryn Mawr, PA 19010 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Miller & Son Paving**, Warminster Township, **Bucks County**. Joseph LaPann, Keith Valley Environmental Inc., 151 Keith Valley Road, Horsham, PA 19044 on behalf of John McGrath, Five Ponds, LP, 1262 Wood Lane, Suite 207, Langhorne, PA 19047 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Fetick Property**, Kennett Square Borough, **Chester County**. Michael Raffoni, GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543 on behalf of Matthew Fetick, 234 North Union Street, Kennett Square, PA 19348 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gantz Residence**, Norwood Borough, **Delaware County**. Staci Cottone, J & J Spill Service, P. O. Box 370, Blue Bell, PA 19422 on behalf of Ronald Gantz, 106 Elmwood Avenue, Norwood, PA 19074 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**J.H. Brubaker Lumber Company**, East Hempfield Township, **Lancaster County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of J.H. Brubaker Lumber Company, 2008 Marietta Avenue, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with VOCs and lead. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Mooney Chem (OMG Americas)**, Borough of Sugar Creek, **Venango County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of OMG Americas, Two Mile Run Road, P. O. Box 111, Franklin, PA 16323 has submitted a Risk Assessment

Report concerning remediation of site soils contaminated with arsenic, lead, xylenes (total), ethylbenzene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[a]pyrene and groundwater contaminated with benzene, naphthalene, arsenic, benzene, naphthalene, aluminum, barium, iron and manganese. The Report is intended to document remediation of the site to meet Site-Specific Standards.

**BTI Special Commodities Route I-80 MM 83.4**, Pine Creek Township, **Jefferson County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of BTI Special Commodities, Inc., P. O. Box 4805, Des Moines, IA 50305 has submitted a Final Report concerning remediation of site soils contaminated with benzene, cumene, ethyl benzene, methyl tert-butyl ether, naphthalene, toluene, 1,2,4-trimethylbenzene (1,2,4-trimethylbenzene), trimethylebenzene. 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.*

**Fetick Property**, Kennett Square Borough **Chester County**. Michael Raffoni, GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543 on behalf of Matthew Fetick, 234 North Union Street, Kennett Square, PA 19348 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 19, 2008.

**Willard Elementary School**, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder East, Inc., 800 East Washington Street, Philadelphia, PA 19380 on behalf of Francine Lock, School District of Philadelphia, 440 North Broad Street, 3rd Floor, Philadelphia, PA 19103 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil contaminated with inorganic. The Remedial Investigation and Cleanup Plan was approved by the Department of Environmental Protection on June 25, 2008.

**Gantz Residence**, Norwood Borough, **Delaware County**. Staci Cottone, J & J Spill Service, P. O. Box 370, Blue Bell, PA 19422 on behalf of Ronald Gantz, 106 Elmwood Avenue, Norwood, PA 19074 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 23, 2008.

**1400 Mill Creek Road Property**, Lower Merion Township, **Montgomery County**. Jeffery Walsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield on behalf of Jeffery Walsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with inorganic and unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 19, 2008.

**Rite Aid Pharmacy 3637**, City of Philadelphia, **Philadelphia County**. John Thatcher BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf of Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with other organic and metals. The Remedial Investigation Report was approved by the Department of Environmental Protection on May 6, 2008.

**BMW of the Main Line**, Lower Merion Township, **Montgomery County**. Samuel Kucia, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Elizabeth Kirsch,

Kirsch Enterprises, Inc. and Estate of C.H. Kirsch, c/o Richard E. Javage, Jr. Esq., 3550 Township Line Road, Drexel Hill, PA 19026 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvent. The Final Report did not demonstrate attainment of the Statewide Health Standard and was placed on hold by the Department of Environmental Protection on June 26, 2008.

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

**Former Exxon Allentown Terminal**, Hanover Township, **Lehigh County**. Stephanie Rose, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 submitted a Final Report (on behalf of her client, ExxonMobil Corporation, 1545 Route 22 East, Annandale, NJ 08801), concerning the remediation of soil and groundwater contamination related to an inadvertent rupture of an underground gasoline pipeline during utility removal activities. The report demonstrated attainment of a combined Site-Specific Standard for soils and a Residential Statewide Health Standard for soils and groundwater and was approved on June 27, 2008.

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

**CR Property Group LLC/106 Fallsview Avenue**, York Haven Borough, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of CR Property Group, LLC, 1561 East Market Street, York, PA 17403, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 23, 2008.

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

**Alexander Family Farm**, Benner Township, **Centre County**. Mountain Research, LLC, 825 Twenty-Fifth Street, Altoona, PA 16601 on behalf of Alexander Family Partnership Farm, 201 Fillmore Road, Bellefonte, PA 16823 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 24, 2008.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

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

#### HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

**OP-Tech Environmental Services, Inc.**, 6392 Deere Road, Syracuse, NY 13206. License No. PA-AH 0599. Effective April 2, 2008.

**Duquesne Light Company, Const. Coord. and Underground**, 2645 New Beaver Avenue, Pittsburgh, PA 15233. License No. PA-AH 0462. Effective April 3, 2008.

**EAP Industries, Inc.**, P. O. Box 275, 1575 Smith Township State Road, Atlasburg, PA 15004. License No. PA-AH 0660. Effective April 7, 2008.

**G. Tresch Transportation, Inc.**, 630 South Evergreen Avenue, Woodbury, NJ 08097. License No. PA-AH 0380. Effective April 7, 2008.

**South Jersey Pollution Control, Inc.**, 209 Harmony Road, P. O. Box 28, Mickleton, NJ 08056. License No. PA-AH 0145. Effective April 8, 2008.

**Univar USA, Inc.**, 328 Bunola River Road, Bunola, PA 15020. License No. PA-AH 0334. Effective April 11, 2008.

**Hydro Technology, Inc.**, P. O. Box 66071, Newport, MI 48166. License No. PA-AH 0708. Effective April 14, 2008.

**Safety-Kleen Canada, Inc.**, 300 Woolwich Road, Breslau, ON N0B 1 M0. License No. PA-AH 0517. Effective April 21, 2008.

**S & C Transport, Inc.**, 12600 Stark Road, Livonia, MI 48150. License No. PA-AH 0446. Effective April 22, 2008.

**David J. Winning Company**, 5610 Aiken Road, Mckees Rocks, PA 15136. License No. PA-AH S100. Effective May 6, 2008.

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080. License No. PA-AH 0528. Effective May 15, 2008.

**Rinchem Company, Inc.**, 6133 Edith Boulevard NE, Albuquerque, NM 87107. License No. PA-AH S205. Effective May 21, 2008.

**Cousins Waste Control Corporation**, 1701 East Matzinger Road, Toledo, OH 43612. License No. PA-AH 0344. Effective May 21, 2008.

**Tonawanda Tank Transport Service, Inc.**, 1140 Military Road, P. O. Box H, Buffalo, NY 14217. License No. PA-AH 0429. Effective May 28, 2008.

**West Central Environmental Corporation**, P. O. Box 83, Rensselaer, NY 12144-0083. License No. PA-AH 0422. Effective May 28, 2008.

**Page E.T.C., Inc.**, P. O. Box 1290, Weedsport, NY 13166. License No. PA-AH 0338. Effective May 28, 2008.

**Pioneer Tank Lines, Inc.**, 12501 Hudson Road, South, Afton, MN 55001-9751. License No. PA-AH 0600. Effective June 2, 2008.

**Lewis Environmental, Inc.**, P. O. Box 639, Royersford, PA 19468. License No. PA-AH 0591. Effective June 6, 2008.

**Stat, Inc., d/b/a Sparks Transportation and Tank Cleaning, Inc.**, P. O. Box 1443, Lenoir, NC 28645. License No. PA-AH 0532. Effective June 24, 2008.

**Radiac Research Corporation**, 261 Kent Avenue, Brooklyn, NY 11211. License No. PA-AH S007. Effective June 24, 2008.

#### HAZARDOUS WASTE TRANSPORTER LICENSE ISSUED

**Nuway Environmental Services, LLC**, 1741 Clarks Ferry Road, Lexington, SC 29073. License No. PA-AH 0743. Effective April 17, 2008.

**Providence Environmental Concepts and Services, LLC**, P. O. Box 3216, Columbia, SC 29230. License No. PA-AH 0739. Effective April 23, 2008.

**Summit Transport & Environmental, Inc.**, 150C John Street, Weston, WV 26452. License No. PA-AH 0737. Effective May 20, 2008.

**Moran Environmental Recovery, LLC**, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective May 28, 2008.

**Thunderbird Trucking, LLC**, 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0745. Effective June 4, 2008.

**Advanced Waste Carriers, Inc.**, 1126 South 70th Street, Suite N408B, West Allis, WI 53214. License No. PA-AH 0742. Effective June 24, 2008.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

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

#### HAZARDOUS WASTE TRANSPORTER LICENSE VOLUNTARILY TERMINATED

**Universal Environmental Nevada, Inc.**, P. O. Box 10120, Reno, NV 89510. License No. PA-AH 0709. Effective April 1, 2008.

**PSC Recovery Systems, d/b/a Georgia Recovery Systems**, 8025 Spence Road, Fairburn, GA 30213. License No. PA-AH 0734. Effective April 7, 2008.

**Providence Environmental, Inc.**, 312 Sharpe Road, Columbia, SC 29203. License No. PA-AH 0695. Effective April 30, 2008.

**Marisol, Inc.**, 213 West Union Avenue, Bound Brook, NJ 08805-1334. License No. PA-AH 0164. Effective December 31, 2007.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

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

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Court, Northampton, PA 18067. License No. PA-HC 0219. Effective May 14, 2008.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Approved 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 301288. Recycle Oil Company**, 1600 South 25th Street, Easton, PA 18042. A

Permit Renewal authorizing the continued operation to accept and process waste oil, oily water, antifreeze and petroleum-contaminated debris at this residual waste processing facility located in Wilson Borough, **Northampton County**. The permit was issued in the Regional Office on June 27, 2008.

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 301071, MAX Environmental Technologies, Inc.**, 233 Max Lane, Yukon, PA 15698. Extension of a residual waste processing and disposal permit renewal for the full 10 year term allowed. Approval granted by the Regional Office on June 27, 2008.

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

**Permit No. 100934. Blue Ridge Landfill, IESI Blue Ridge Landfill Corporation.** P. O. Box 399, Scotland, PA 17254-0399. Landfill located in Greene Township, **Franklin County**. The major permit modification for an increase in average daily volume to 1,700 tpd was issued by the Southcentral Regional office on June 6, 2008.

## 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.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**GP4-32-00227A: Electro-Mec, Inc.** (4470 Lucerne Road, Indiana, PA 15701) on June 25, 2008, was authorized under GP-4 to install and operate one Steelman Industries Model No. 898 BA-E burn-off oven with a primary burner rated at 558,000 Btu/hr and an after-burner rated at 829,000 Btu/hr at their facility in White Township, **Indiana County**. Authorization to operate under this GP will expire June 25, 2013.

**GP5-26-00555A: Atlas Pipeline Pennsylvania, LLC** (1550 Coraopolis Heights Road, 2nd Floor, P. O. Box 611, Moon Township, PA 15108) on June 26, 2008, was authorized under GP-5 to operate one 1,340 bhp Caterpillar model number G3516 LE lean burn natural gas-fired compressor engine and one 0.150 mmBtu/hr Tul-Pro model number 5G-150 glycol dehydrator at their Joseph Station in Dunbar Township, **Fayette County**. Authorization to operate under this GP will expire on June 26, 2013.

**GP5-63-00937: Range Resources Appalachia, LLC** (380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on June 27, 2008, was authorized under GP-5 to use two internal combustion engines with dehydrator equipped with a thermal oxidizer at Fulton Compressor Station. This authorization will expire on June 27, 2013. The facility is located in Mt. Pleasant Township, **Washington County**.

**GP14-26-00575: Green Ridge Cemeteries, Inc.** (2901 Memorial Boulevard, Connellsville, PA 15425) on June 25, 2008, was authorized under GP-14 to install and operate one Matthews Cremation Division Model No. IE43-PPII human crematory rated at 150 pph at their facility in Bullsken Township, **Fayette County**. Authorization to operate under this GP will expire June 25, 2013.

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

**GP-33-179B: Snyder Brothers, Inc.—Himes Station** (Swamp Run Road, Brookville, PA 15825) on June 24, 2008, for a natural gas fired compressor engine (BAQ-GPA/GP-5) in Knoxdale Township, **Jefferson County**.

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

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

**09-0122B: Arkema, Inc.** (100 PA Route 413, Bristol, PA 19007) on June 26, 2008, to optimize the Spray Dryer Process at their facility in Bristol Township, **Bucks County**. This facility is a Major facility for VOC. VOC Emissions increase from this source is less than 6 tpy. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**24-012G: C/G Electrodes LLC—St. Marys Plant** (800 Theresia Street, St. Marys, PA 15857-1898) on June 23, 2008, to construct two carbottom baking kilns Nos. 495 and 496 exhausting to existing thermal incinerator and wet-limestone scrubber in St. Marys City, **Elk County**. This is a Title V facility.

**25-025L: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Room 9-201, Erie, PA 16531) on June 24, 2008, to increase the VOC emission limitation for Source 944 (Wind turbine gearbox paint booth) in Lawrence Park Township, **Erie County**. This is a Title V facility.

**37-012B: Dunbar Asphalt Products, Inc.** (P. O. Box 477, Wheatland, PA 16161) on June 23, 2008, to modify a plan approval to increase production and change the No. 2 fuel oil sulfur limit at their Hillsville Hot Mix Batch Asphalt Plant in Mahoning Township, **Lawrence County**.

**43-270G: CCL Container** (One Llodio Drive, Hermitage, PA 16148-9015) on June 23, 2008, to install two new baghouses to replace four existing baghouses for controlling the print lines in Hermitage City, **Mercer County**. This is a Title V facility.

**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.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**PA-30-00150A: Wellington Development—WVDT, LLC** (1620 Locust Avenue, Fairmont, WV 26554) on June 27, 2008, to extend the plan approval for the Wellington Development—WVDT, LLC Greene Energy Resource Recovery Project in Cumberland Township, **Greene County** to December 7, 2011. The plan approval has been extended. This extension does not change any condition or applicable standard of this Plan Approval.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00014: Kimberly-Clark of Pennsylvania, LLC** (Front and Avenue of the States, Chester, PA 19013) on June 26, 2008, for renewal of the Title V Operating Permit in the City of Chester, **Delaware County**. The initial permit was issued on December 19, 2001. The facility is primarily used for the manufacture of tissue paper and paper towels. As a result of potential emissions of NO<sub>x</sub> and 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 proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00046: Container Research Corp.** (Hollow Hill Road, Glen Riddle, PA 19037) on June 26, 2008, to operate one boiler unit and two paint spray booths in Aston Township, **Delaware County**. The main emissions from this facility are VOCs. This action is a renewal of the original State-only Operating Permit (Synthetic Minor), which was issued in September, 2002. The renewal contains conditions including monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00095: Longwood Gardens** (410 Street Road, Kennett Square, PA 19348) on June 26, 2008, to renew the State-only Operating Permit in East Marlborough Township, **Chester County**. The initial permit was issued on May 21, 2003. Longwood Gardens is a nonprofit business activity focused on horticulture. The primary emission sources include four diesel-fired emergency generators that are used in the event of a power interruption and three main boilers that are used to heat the greenhouses in the cool months of the year.

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

**54-00042: The Commodore Corp.** (P. O. Box 557, Goshen, IN 46527) on June 27, 2008, to operate their woodworking operations facility in Pine Grove Borough, **Schuylkill County**. This is a State-only Synthetic Minor operating permit.

**45-00023: Bustin Industrial Products, Inc.** (410 Oak Street, East Stroudsburg, PA 18301) on June 30, 2008, to issue a State-only (Synthetic Minor) Operating Permit, incorporating the requirements of operating permit 45-318-006, for operation of a paint booth and associated air cleaning device at their facility in East Stroudsburg Borough, **Monroe County**.

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

**25-00961: National Fabricators and Machining, Inc.** (9209 West Main Road, North East, PA 16428) on June 23, 2008, to re-issue a Natural Minor Permit to operate an industrial machinery fabricating facility in North East Township, **Erie County**. Emissions sources associated with this facility include spray booth, heat stress oven, welding operation, torch cutting, 24 space heaters, two safety klean parts cleaners and sand blasting operation. This facility is natural minor because the emissions of pollutants are less than Title V threshold.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00036: Visteon Systems, LLC** (2750 Morris Road, Lansdale, PA 19446-6083) on June 26, 2008, for a minor modification of TVOP No. 46-00036 for their facility in Worcester Township, **Montgomery County**. The minor modification revises a Work Practice Requirement condition for the five Electric Generators (Source 731A) to allow the engines' timing to be set to the manufacturer's recommended setting. The modified TVOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Minor modification of TVOP No. 46-00036 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

**33-00107: Beverage Air Corp.** (119 Progress Street, Brookville, PA 15825-2617) on June 10, 2008, for an administrative amendment of the State-only Operating Permit to incorporate the change of ownership to Beverage Air Corporation, the responsible official change and permit contact change in Brookville Borough, **Jefferson County**.

**33-00155: Trail King Industries, Inc.** (147 Industrial Park Road, Brookville, PA 15825-7201) on June 20, 2008, for an administrative amendment of the State-only Operating Permit to incorporate the conditions from plan approval 33-155C in Pine Creek Township, **Jefferson County**.

**42-00004: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701-1726) on June 16, 2008, for an administrative amendment of the TV Operating Permit to correct typographical errors with the elective emission restriction pertaining to BART restrictions in Sources 033, 034 and C301 by clarifying the emissions can not equal or exceed 250 tpy for NO<sub>x</sub>, PM<sub>10</sub>, SO<sub>x</sub> or VOCs based on the definitions of BART eligible source and an existing stationary facility in 40 CFR Section 51.301 in Clarion Borough, **Clarion County**.

**43-00310: Duferco Farrell Corp.** (15 Roemer Boulevard, Farrell, PA 16121-2201) on June 16, 2008, for an administrative amendment of the TV Operating Permit to correct a typographical error for the BART restrictions in Sources 106 and 107 by clarifying the emissions can not equal or exceed 250 tpy for NO<sub>x</sub> based on the definitions of BART eligible source and an existing stationary facility in 40 CFR 51.301 in the City of Farrell, **Mercer County**.

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

**V04-007: Smurfit-Stone Container Corp.—d/b/a Altiivity Packaging** (5000 Flat Rock Road, Philadelphia, PA 19127) for the operation of a paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The operating permit was effective from July 12, 2005, and expires on August 1, 2010. The minor administrative change only includes the change in the responsible official.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**56070110 and NPDES No. PA0262498. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541. Commencement, operation and restoration of a bituminous surface auger mine in Stonycreek Township, **Somerset County**, affecting 282.4 acres. Receiving streams: Schrock Run; UNT No. 2 to Glades Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. The application also includes several variance requests: First, to relocate approximately 1,780 feet of a UNT to Glades Creek. The relocation will begin at the headwaters and discharge to Schrock Run. This relocation will allow the stream to contribute to

Schrock Run instead of pooling in an abandoned surface pit. The second variance request is to re-establish a stream channel that has been affected by previous surface mining activities. The UNT to Glades Creek will be reconstructed during reclamation of Phase II, returning the channel to its original location. The reconstruction will begin at its headwaters and continue for approximately 1,430 feet. The third variance request is for a General Permit BMR-GP-102 to install a stream crossing on Schrock Run. The crossing location will be approximately 2,030 feet downstream of the headwaters of Schrock Run. The fourth variance request is to conduct mining activities within the 100 foot right-of-way of two Township Roads: T-650 and T-531. T-531 will be temporarily closed from its intersection with SR 1001 to the intersection with SR 1003. T-650 will be temporarily closed beginning at a point approximately 800 feet south of its intersection with SR 1001 and continuing south to its intersection with T-530. Application received September 10, 2007. Permit issued June 24, 2008.

**11980101 and NPDES No. PA0234737. L & J Energy Company, Inc.**, P. O. Box J, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface auger mine in Susquehanna Township, **Cambria County**, affecting 93.0 acres. Receiving streams: West Branch Susquehanna River; Douglas Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 30, 2008. Permit issued June 23, 2008.

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

**Contract No. 65-07-01 and NPDES Permit No. PA0251437. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Government Financed Construction Contract issued for reclamation of approximately 8.8 acres of abandoned mine lands located in Ligonier Township, **Westmoreland County**. Receiving streams: Hannas Run and UNTs to Hannas Run. Application received December 14, 2007. Contract issued June 26, 2008.

### Noncoal Permits Actions

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

**16060808. Eagle Contracting, Inc.** (196 Airport Road, Shipperville, PA 16254) Transfer of an existing small noncoal shale operation from Vince DiStefano in Highland Township, **Clarion County** affecting 5.0 acres. Receiving stream: UNT to Clarion River. Application received May 21, 2008. Permit issued June 19, 2008.

**37870301. I. A. Construction Corp.** (158 Lindsay Road, Zelenople, PA 16063) Renewal of NPDES Permit No. PA0107913 in Wayne Township, **Lawrence County** affecting 116.2 acres. Receiving streams: Duck Run and UNT to Duck Run. Application received May 8, 2008. Permit issued June 25, 2008.

**3175SM3. I. A. Construction Corp.** (158 Lindsay Road, Zelenople, PA 16063) Renewal of NPDES Permit No. PA0208103 in Plain Grove Township, **Lawrence County** affecting 153.0 acres. Receiving streams: UNT to Jamison Run and Jamison Run. Application received May 8, 2008. Permit issued June 27, 2008.

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

**08052803. Irene West** (P. O. Box 387, Wysox, PA 18854), commencement, operation and restoration of a small industrial minerals permit located in Rome Town-

ship, **Bradford County** affecting 3.0 acres. Receiving streams: Parks Creek to Wysox Creek. This is an upgrade from 2,000 tpy to 10,000 tpy. Permit issued April 14, 2008.

**08080803. Frederick R. Saxer** (R. R. 2, Box 22B, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial minerals permit located in Wilmot Township, **Bradford County** affecting 5.0 acres. Receiving streams: Sugar Run to the Susquehanna River. Application received January 26, 2008. Permit issued May 21, 2008.

**53080802. Richard A. Davis** (1361 Mina Road, Coudersport, PA 16915), commencement, operation and restoration of a small industrial minerals permit located in Clara Township, **Potter County** affecting 5.0 acres. Receiving streams: Fishing Creek to the Allegheny River. Application received February 6, 2008. Permit issued April 11, 2008.

**53080803. Richard A. Davis** (1361 Mina Road, Coudersport, PA 16915), commencement, operation and restoration of a small industrial minerals permit located in Roulette Township, **Potter County** affecting 5.0 acres. Receiving streams: Allegheny River to the Ohio River. Application received February 22, 2008. Permit issued May 21, 2008.

#### 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.*

**01084109. J. Roys, Inc.**, P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for utility development in Littlestown Borough, **Adams County**. Blasting activity permit end date is June 15, 2009. Permit issued June 18, 2008.

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

**24084101. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866-0077). (Electronic) Blasting activity permit to blast a highway/road in Johnsonburg Borough, **Elk County**. This blasting activity permit will expire on December 30, 2009. Application received June 13, 2008. Application issued June 25, 2008.

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

**36084001. Explosives Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at Manheim Township High School in Manheim Township, **Lancaster County** with an expiration date of September 25, 2008. Permit issued June 25, 2008

**67084002. Explosive Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at Northfield Development in West Manheim Township, **York County** with an expiration date of January 31, 2009. Permit issued June 25, 2008.

## 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*

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

**E06-634: Exeter Township**, 4975 DeMoss Road, Reading, PA 19606, Exeter Township, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To remove an existing 48.0-inch by 60.0-inch CMP culvert pipe and an 48.0-inch by 48.0-inch stone arch structure with a total length of 40.0 feet and to construct and maintain a 7.0-foot by 3.5-foot concrete box culvert having a length of 40.0 feet in a UNT to Antietam Creek (CWF) (Birdsboro, PA Quadrangle N: 19.02 inches;

W: 14.16 inches, Latitude: 40° 21' 17" N; Longitude: 75° 51' 06" W) in Exeter Township, Berks County.

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

**E14-508. Theodore R. Brown**, 60 Municipal Lane, Port Matilda, PA 16870. Brown Bridge in Halfmoon Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Port Matilda, PA Quadrangle N: 5.7 inches; W: 4.8 inches).

To construct and maintain a 30-foot clear span steel I-beam and wood plank bank-to-bank bridge on concrete abutments with a minimum underclearance of 3.5 feet and earthen approaches to cross Halfmoon Creek, located in a pasture 2,050 feet west of the intersection of SR 550 (Halfmoon Valley Road) and T-309 (Smith Road) in Halfmoon Township, Centre County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Muddy Creek Encroachments*

- Phase 1 Diversion (2) 48-inch diameter pipes and cofferdams
- Phase 2 Diversion (2) 48-inch diameter pipes and cofferdams
- SR 2012 Right Abutment Removal Construction and R-8 Rock Protection
- SR 2012 Left Abutment Removal Construction and R-8 Rock Protection
- SR 2012 Bridge Pier Removal
- Right Bank R-8 Rock Protection
- Right Bank R-8 Rock Protection
- Construct Right Mud Sill (Downstream)
- Construct Left Mud Sill (Upstream)
- Railroad Pier No. 2 Removal
- Railroad Pier No. 3 Removal

**E14-509. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2012, Section A01 Bridge Replacement, in Gregg Township, Centre County, United States Army Corps of Engineers, Baltimore District (Spring Mills, PA Quadrangles N: 40° 50' 12.50"; W: 77° 32' 46.41").

To construct and maintain a prestressed concrete box beam bridge with a single clear span of 70.00 feet, minimum inlet underclearance of 6.34 feet at midspan and a skew of 90° across Muddy Creek, located 2,000 feet southeast on Penns Creek Road (SR 2012) from its intersection with Lower Georges Valley Road, (Spring Mills, PA Quadrangles N: 40° 50' 12.50"; W: 77° 32' 46.41") in Gregg Township, Centre County. The project proposes: 328 square feet (0.008 acre) of permanent wetland impacts, 910 square feet (0.021 acre) of temporary wetland impacts, 934 square feet (0.021 acre) of riverine wetland impacts. The total estimated permanent stream disturbance for the project is 244 linear feet as summarized in the following table:

<i>Length (LF)</i>	<i>Latitude (N)</i>	<i>Longitude (W)</i>
140	40° 50' 12.25"	77° 32' 46.74"
140	40° 50' 12.25"	77° 32' 46.90"
35	40° 50' 12.62"	77° 32' 46.58"
35	40° 50' 12.25"	77° 32' 46.41"
32	40° 50' 12.50"	77° 32' 46.58"
43	40° 50' 12.25"	77° 32' 46.90"
23	40° 50' 11.88"	77° 32' 47.23"
25	40° 50' 11.75"	77° 32' 47.23"
37	40° 50' 11.38"	77° 32' 47.07"
13	40° 50' 12.13"	77° 32' 47.23"
13	40° 50' 12.00"	77° 32' 47.07"

This permit also includes 401 Water Quality Certification.

**E18-429. Charles M. Smith**, P. O. Box 20, 18 School House Road, North Bend, PA 17764. Smith Home, in Chapman Township, **Clinton County**, United States Army Corps of Engineers, Baltimore District (Renovo East, PA Quadrangle Latitude 41° 20' 57"; Longitude 77° 41' 57.5").

To construct, operate and maintain a 70 foot long by 40 foot wide single-family residence in the floodway of Young Womans Creek. The total square footage of the structures footprint totals 2,220 square feet and shall be elevated 18 inches above the 100 year flood elevation on a concrete foundation. Young Womans Creek is classified as a HQ-CWF and the project is located in Chapman Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E11-326. Cambria Somerset Authority**, 224 Walnut Street, Johnstown, PA 15901. To relocate channel in Summerhill Township, **Cambria County**, United States Army Corps of Engineers, Pittsburgh District (Ebensburg,

PA Quadrangle N: 5.2 inches; W: 11.2 inches, Latitude: 40° 24' 13"; Longitude: 78° 42' 20"). To relocate and maintain 120-linear feet of the channel of a UNT to the North Branch of the Little Conemaugh River (CWF) for the purpose of realigning the stream. The project consists of construction of 30 linear feet channel and riprap rock for channel bank protection for a length of 30 feet just upstream of the existing bridge. The project is located at the Law Road Bridge, an access to the Wilmore Reservoir.

**E63-605. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct a stream relocation consisting of three culverts in Carroll Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Monongahela, PA Quadrangle N: 9.6 inches; W: 9.1 inches, Latitude: 40° 10' 44"; Longitude: 79° 56' 22"). To construct and maintain a 850 ft. long stream relocation of Taylors Run (WWF) with a drainage area of 3.24 square miles; a 30 ft. long crossing consisting of two 72 inch diameter culverts located within the stream relocation; and 0.01 acre of adjacent PEM wetland fill, which will be mitigated at the Interstate 70 to SR 51 Mon Fayette wetland mitigation site. This project provides for protecting and moving Taylors Run away from a continuing slide condition which threatens to choke off the existing stream channel and has been partially completed under Emergency Permit 6308201. In addition,



100 ft. of a UNT (WWF) with a drainage area of less than 100 acres conflicting with the stream relocation will be filled. Onsite stream mitigation will compensate for the stream impacts. The project is located approximately 1.5 miles south of the center of Monongahela.

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

**E20-568, D & L Energy, Inc.**, 2761 Salt Springs Road, Youngstown, OH 44509. CCPI 1 and 2 Gas Well and Pipelines, in Vernon Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Meadville, PA Quadrangle N: 40° 39' 40"; W: 80° 10' 26").

The applicant proposes to construct and maintain two natural gas wells, a 2-inch-diameter steel natural gas distribution line and associated access road construction and modification within the FEMA floodway of French Creek approximately 0.1 mile west of the west bank of French Creek and approximately 0.5 mile NE of the intersection of Dunham and Rodgers Ferry Roads in Vernon Township, Crawford County. French Creek is a perennial stream classified as a WWF.

**E37-177, Westminster College**, 319 South Market Street, New Wilmington, PA 16172-0001. McClure Run Stream Restoration Project, in New Wilmington Borough, **Lawrence County**, United States Army Corps of Engineers, Pittsburgh District (New Castle North, PA Quadrangle N: 41° 7' 1.6"; W: 80° 19' 57.6").

To construct and maintain 1,400 feet of stream restoration within McClure Run for the purpose of stream bank stabilization and enhancement while implementing a natural stream channel design approach consisting of the following activities: excavating floodplains, minor stream realignments, regarding of the bank slopes along the upper reach of the restoration area, placement of in-stream structures such as rock cross vanes, creation of riparian wetlands and bioretention cells and enhanced riparian plantings along the full length of McClure Run as bound by Westminster Campus. The project also includes the following: 1) to remove a pedestrian bridge; 2) to remove an existing pedestrian bridge and to construct and maintain a pedestrian bridge; 3) to repair and maintain two vehicle bridges; 4) to repair and maintain 13 stormwater outfalls; and 5) to construct and maintain a walking trail and fence within the floodway. McClure Run is a perennial stream classified as a TSF.

## 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 1621.1102) 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08-65-009	Luther P. Miller, Inc. 641 South Edgewood Avenue Somerset, PA 15501 Attn: Troy Miller	Westmoreland	Ligonier Township	Four ASTs storing petroleum products	60,000 gallons total

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in this Commonwealth

In the month of May 2008, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Type of Name</i>	<i>Address</i>	<i>Type of Certification</i>
Accredited Radon of Allentown	2517 Treeline Drive Easton, PA 18040	Mitigation
James F. Andrews Enterprises	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Gerald Aubrey	1517 Daws Road Blue Bell, PA 19422	Testing
William Barroner	R. R. 2, Box 231A Williamsburg, PA 16693	Testing
Don Cessna	407 West Sample Street Ebensburg, PA 15931	Testing
Edward Cummins	429 Schuylkill Road Phoenixville, PA 19460	Testing
Joseph Donnelly, III	P. O. Box 993 Kimberton, PA 19442	Mitigation

<i>Type of Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gregory Gibson	P. O. Box 733 Tannersville, PA 18372	Testing
Steven Haslam	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Frank Hendron	1311 Talley Road Wilmington, DE 19803	Testing
Frank Hendron Northeast Inspection Corporation	1311 Talley Road Wilmington, DE 19803	Mitigation
Robert Hewlett	P. O. Box 1942 Cranberry Township, PA 16066	Testing
Harold Hill	1882 West 8th Street Wyoming, PA 18644	Testing and Mitigation
Shane Hissem	2721 Route 982 Mount Pleasant, PA 15666	Testing
Richard Hoffman	2843 North Front Street Harrisburg, PA 17110	Testing
Carl Keller	4142 Gore Road Conneaut, OH 44030	Testing and Mitigation
John Kerrigan	100 Old Kennett Road Wilmington, DE 19807	Mitigation
Kirk Knappman	421 West Chocolate Avenue Hershey, PA 17033	Testing
L & J Marketing, Inc.	706 East Street West Easton, PA 18042	Testing
Thomas Nightlinger	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Roman Paul	P. O. Box 731 Valley Forge, PA 19482	Testing
Peter Piazza	106 Winslow Court Greensburg, PA 15601	Testing
Quality Home Services of Delaware Valley, Inc.	700 Braxton Road Ridley Park, PA 19078	Testing
RJH Radon Mitigation, Inc.	P. O. Box 91 943 High Street Akron, PA 17501	Mitigation
Dennis Sekelik	724 Scrubgrass Road Pittsburgh, PA 15243	Testing
John Selko	1276 Bethel Green Drive Bethel Park, PA 15102	Testing
Robert "Michael" Sheely	1000 Wolfe Road Enola, PA 17025	Testing
Michael Stabile	2 Stonecrest Road Blakeslee, PA 18610	Testing
Swindell Enterprises, Inc.	227 Locust Street Box 12 Alum Bank, PA 15521	Testing
Richard Thornhill	471 Washington Street Leetsdale, PA 15056	Mitigation
Michael Tokarczyk	753 Lutzville Road Everett, PA 15537	Mitigation
Jody Viscomi	1304 Eynon Street Scranton, PA 18504	Testing
Gary Walters	P. O. Box 40 Enola, PA 17025	Mitigation

<i>Type of Name</i>	<i>Address</i>	<i>Type of Certification</i>
David Welker	12 James Street Mill Hall, PA 17751	Testing
Dennis Workman	261 Kimbel Drive Phoenixville, PA 19460	Testing
David Wotring	R. R. 1, Box 491 Scotrun, PA 18355	Testing

**Request for Comment and Notice of Public Meeting  
For the Proposed Total Maximum Daily Load  
(TMDL) for the Watershed of South Branch Plum  
Creek In Indiana County**

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

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the watershed of South Branch Plum Creek in Indiana County. The TMDL was established in accordance with the requirements of section 303(d) of The Clean Water Act. Streams within this watershed were listed in Pennsylvania's 2006 Integrated Water Quality Monitoring and Assessment Report as being impaired due to sedimentation resulting from agricultural activities.

There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the watershed of South Branch Plum Creek. Sediment loadings were allocated among all land use categories present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL). To request a copy of this TMDL, contact Joe Boylan at [jboylan@state.pa.us](mailto:jboylan@state.pa.us) or 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval. Written comments will be accepted at the previous address and must be received by September 1, 2008. A public meeting to discuss the technical merits of the TMDL will be held on Wednesday, July 30, 2008, at 6 p.m. at the Grange near Davis, PA. This building is located at the intersection of Five Points and Hill Roads in Davis, PA.

**Drinking Water State Revolving Fund Special  
Notice under the Federal Safe Drinking Water Act  
(SDWA); 42 U.S.C. 300f et seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Winslow Township	1277 Yellow Brick Road Reynoldsville, PA 15851	Jefferson

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Common-

wealth's State Revolving Fund, is intended to be the funding source for this project. Winslow Township proposes to extend service from the Sykesville Borough water system to the Village of Soldier. This project will include a distribution system, a 75,000 gallon glass-lined, bolted-steel finished water storage tank, a transmission line and a booster pump station to convey finished water from Sykesville Borough. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Paint Township Municipal Water Authority (PTMWA)	22139 Route 66 Shippenville, PA 16254	Clarion

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Paint Township Municipal Water Authority proposes to extend service to residents and businesses situated along Route 66, Doe Run Road, McClain-Watson, Myers and Manor Church Roads within the Township. The project involves installation of a pipeline infrastructure from existing waterline. Water source is PA American Water Clarion. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**Bureau of Mine Safety  
Request for Variance**

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau), has received a request for variance from Cumberland Coal Resources, LP. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. § 702) (act), provides a mechanism for operators to obtain variances from specific requirements of the act to accom-

modate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 268(b) states that shelter holes shall be provided on the clearance side along designated travelingways, which are also used as haulage entries, other than belt conveyor haulage entries. Such shelter holes shall be spaced not more than 80 feet apart.

Summary of the Request: Cumberland Coal Resources, LP requests a variance that pertains specifically to the current Gateroad at the Cumberland Mine.

[Pa.B. Doc. No. 08-1296. Filed for public inspection July 11, 2008, 9:00 a.m.]

### Solar Workgroup Meeting

The Solar Workgroup (Workgroup) will hold a meeting on September 4, 2008, at 10 a.m. in the Second Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Workgroup consists of members from the solar industry and local government officials. The purpose of the meeting is to provide a forum for the industry members and local government officials to discuss potential issues that may arise as solar installations become more prevalent Statewide. The meeting will stimulate information sharing and possible development of tools and resources to facilitate the deployment of solar installations.

The agenda and materials for the September 4, 2008, meeting will be available at the meeting. Questions concerning this meeting should be directed to Libby Dodson, Office of Energy and Technology Deployment, Division of Energy Promotion, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, ldodson@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1297. Filed for public inspection July 11, 2008, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The July 15, 2008, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for Tuesday, August 19, 2008, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the August 19, 2008, meeting will be available on the Department of Environmental Protection's web site at [www.depweb.state.pa.us](http://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](mailto:mtate@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1298. Filed for public inspection July 11, 2008, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Approved Courses of Instruction in Boating Safety Education; Corrected Notice

Under 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), the Executive Director of the Fish and Boat Commission (Commission) may approve, by notice, boating safety education courses that meet the course criteria established under this section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Commission previously published a notice identifying approved courses in boating safety education at 38 Pa.B. 3726 (July 5, 2008). However, the Commission determined that a few courses inadvertently were omitted.

The Commission, therefore, is republishing the list of approved boating safety education courses, effective as of July 1, 2008, as follows:

Fish and Boat Commission (classroom course)  
United States Coast Guard Auxiliary (classroom course)  
United States Power Squadrons (classroom course)  
Nautical Know How (classroom course)  
Safe Boating America (classroom course)  
Janet M. Teller, d/b/a America Boating Classes  
(classroom course)  
Kalkomey Enterprises, Inc., d/b/a Boat Ed  
(correspondence course)  
BoaterExam America, Inc. (Internet course)  
Kalkomey Enterprises, Inc., d/b/a Boat Ed  
(Internet course)

DOUGLAS J. AUSTEN, Ph. D.,  
*Executive Director*

[Pa.B. Doc. No. 08-1299. Filed for public inspection July 11, 2008, 9:00 a.m.]

### Egg Collection; Temporary Change to Fishing Regulations

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful to take eggs from a fish taken from waters of this Commonwealth outside the Lake Erie watershed or to possess these eggs or use them as bait. Eggs taken from lawfully harvested fish from the Lake Erie water-

shed may be possessed and used as bait in the Lake Erie watershed only. This action does not prohibit the possession of eggs contained within a lawfully harvested fish that is possessed for the purpose of human consumption.

The Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish. This temporary modification will go into effect immediately and will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the new regulation. The Commission, under a separate notice of proposed rulemaking, will seek public comments on permanent changes to the Commission's fishing regulations.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

[Pa.B. Doc. No. 08-1300. Filed for public inspection July 11, 2008, 9:00 a.m.]

### Possession and Use as Bait of Eggs Taken from VHS-Susceptible Species of Fish; Temporary Changes to Fishing Regulations

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. To prevent the spread of the disease in this Commonwealth, the Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful to possess and use as bait unpreserved, refrigerated or frozen eggs taken from VHS-susceptible species of fish from a VHS-affected or VHS-at risk state or region in or along the waters of this Commonwealth except within the Lake Erie watershed.

For purposes of this temporary change, the following terms shall have the following meanings. "VHS-susceptible species" shall include the following species as well as any other fish species later designated by APHIS order or Commission notice published in the *Pennsylvania Bulletin*: Bluegill (*Lepomis macrochirus*); Bluntnose Minnow (*Pimephales notatus*); "Bullhead catfishes" (*Ictalurus spp.*); Brown Trout (*Salmo trutta*); Burbot (*Lota lota*); Channel Catfish (*Ictalurus punctatus*); Chinook Salmon (*Oncorhynchus tshawytscha*); Common Carp (*Cyprinus carpio*); "Crappies" (*Pomoxis spp.*); Emerald Shiner (*Notropis atherinoides*); Freshwater Drum (*Aplodinotus grunniens*); Gizzard Shad (*Dorosoma cepedianum*); Largemouth Bass (*Micropterus salmoides*); Lake Trout (*Salvelinus namaycush*); "Whitefishes" (*Coregonus spp.*); Muskellunge (*Esox masquinongy*); Northern Pike (*Esox lucius*); Pumpkinseed (*Lepomis gibbosus*); Rainbow Trout/Steelhead (*Oncorhynchus mykiss*); Rock Bass (*Ambloplites rupestris*); Round Goby (*Appollonia melanostomus*); "Redhorse Suckers" (*Moxostoma spp.*); Smallmouth Bass (*Micropterus dolomieu*); Spottail shiner (*Notropis hudsonius*); Trout-perch (*Percopsis omiscomaycus*); Walleye (*Sander vitreus*); White Bass (*Morone chrysops*); White Perch (*Morone Americana*); White Sucker (*Catostomus commersonii*); and Yellow Perch (*Perca*

*flavescens*). A VHS-affected or VHS-at risk state shall include Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or any other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk. A VHS-affected or VHS-at risk region shall include the Canadian provinces of Ontario and Quebec or any other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

The Executive Director also has taken immediate action to make it unlawful to possess and use eggs from VHS-susceptible species of fish from the Lake Erie watershed as bait in other watersheds of this Commonwealth. This action represents a change to § 69.3 (relating to transportation of VHS-susceptible fish out of the Lake Erie watershed), which previously allowed for the possession and use as bait of eggs from VHS-susceptible species of fish from the Lake Erie watershed in other watersheds of this Commonwealth provided the fish were from a group of fish certified as having tested negative for VHS or were from an artificial propagation facility certified as having tested negative for VHS.

The Executive Director has found that these actions are necessary and appropriate for the protection, preservation and management of fish. These temporary modifications will go into effect immediately and will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the new regulation and amendment. The Commission, under a separate notice of proposed rulemaking, will seek public comments on permanent changes to the Commission's fishing regulations.

DOUGLAS J. AUSTEN, Ph. D.,  
Executive Director

[Pa.B. Doc. No. 08-1301. Filed for public inspection July 11, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (act) (71 P. S. § 745.5(g)) provides that the 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 act (71 P. S. § 645.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6-311	State Board of Education Program Approval 38 Pa.B. 1961 (April 26, 2008)	5/27/08	6/26/08
14-512	Department of Public Welfare Individual Support Plan for Individuals with Mental Retardation 38 Pa.B. 1937 (April 26, 2008)	5/27/08	6/26/08

**State Board of Education  
Regulation #6-311 (IRRC #2684)**

**Program Approval**

**June 26, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the April 26, 2008 *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.

**Section 42.1. Scope.—Clarity.**

To be consistent with the rest of the regulation, the phrase “2-years” in subsection (3) should be “2-year.”

**Section 42.11. Application.—Clarity.**

*Subsection (d)(1)(iv)*

This subsection references “applicable statutes and regulations.” To give the regulated community clear guidance on the requirements it is expected to follow, a cross-reference to the “applicable statutes and regulations” should be added. A similar concern applies to Section 42.32(c)(1)(iii).

*Subsection (d)(2)*

This subsection requires that waivers must be made “in the form and content prescribed by the Department in its application guidelines.” We note that similar provisions in Section 42.32(c)(3) state that these requirements will be posted on the Department’s web site. Will the guidelines in this subsection also be posted on the Department’s web site?

Further, Section 42.32(c)(4) states that the Department will respond to waiver requests in writing. Will the Department also respond to the waiver requests under this subsection in writing?

**Department of Public Welfare  
Regulation #14-512 (IRRC #2687)**

**Individual Support Plan for Individuals with  
Mental Retardation**

**June 26, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the April 26, 2008 *Pennsylvania Bulletin*. Our comments are based

on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Public Welfare (Department) to respond to all comments received from us or any other source.

The proposed regulation amends four existing chapters. This first portion of our comments relates to general issues. Following this first portion, our comments will focus on specific provisions within the proposed regulation. Comments on two or more similar provisions from different chapters are combined under the same heading that identifies in bold type the specific sections of the proposed regulation that are being reviewed.

**1. General—Statutory authority; Fiscal impact; Reasonableness; Feasibility; Implementation procedures; Clarity.**

*Single Plan*

Given statements by the Department in the Preamble, it is our understanding that there will be one “individual plan” (IP) for an individual who is covered by two or more of the chapters included in this proposed regulation. Two commentators indicated that this intent was unclear in the proposed regulation. We agree. Even though the proposed regulation uses the term “IP” and practically identical requirements and procedures in the four chapters, there is nothing to indicate that the activities regulated by two or more different chapters must be coordinated and unified into a single IP. This lack of direction raises the following issues and questions.

First, different types of individuals are served by the four chapters. Chapters 6400 and 6500 are limited to clients with mental retardation. Chapters 2380 and 2390, however, cover clients with different types of disabilities, including, but not limited to, mental retardation. Hence, providers and their specialists may need to determine which clients might be covered by the different chapters. Who would determine whether an individual was covered by services of the different chapters?

Second, since the Preamble indicates that the supports coordinator manages the development of the IP, one might assume that the supports coordinator would take responsibility for arranging one IP involving two or more chapters. However, there is nothing in the proposed regulation that indicates the supports coordinator must do this.

In addition, there are provisions that place the responsibility for the IP on a program or family living specialist when there is no “assigned supports coordinator.” The “specialists” are employees of the providers and there is no indication how they would coordinate a single plan with other providers. If there is one IP for the activities or services governed by two or more of the four chapters, who is responsible for coordinating the IP with the different providers?

Third, along with a single IP, would there be one joint review meeting with the individual and all his or her different providers governed by two or more chapters? Who will be responsible for coordinating the timing and location of such a meeting if there is no assigned supports coordinator?

The Department needs to formalize the process for unifying two or more chapters into one IP. This is necessary to make the process clear to providers and their clients. The final-form regulation should set forth procedures and requirements for unifying the IP when an individual is receiving services covered by two or more chapters.

### *Fiscal Impact*

A few commentators indicated that the proposed regulation could impose additional costs on providers and others in the regulated community. One example was a concern with the high turnover rate in “supports coordinators.” This situation could be exacerbated by this proposed regulation since more will be required of specialists and other provider staffs if supports coordinators are missing or in transition.

This raises several questions. How frequently are there situations when there is no “assigned supports coordinator” or the position is in transition? What will be the fiscal impact of the proposed regulation on providers if their specialists must take the lead in developing and writing the IP?

Commentators also expressed concerns with potential cost increases related to giving IP teams control of staff-to-client ratios rather than using the minimum staff requirements in the existing regulations.

In developing the final-form regulation, the Department should include a detailed fiscal impact analysis that addresses the issues and questions noted previously.

### *Articles IX and X of the Public Welfare Code*

In their response to Question #9 of the Regulatory Analysis Form, the Department has indicated that its statutory authority for promulgating this regulation stems from Articles IX and X of the Public Welfare Code. In subsequent conversations with the Department, it is our understanding that the Department is specifically relying on 62 P. S. §§ 911 and 1021. With its submittal of the final-form regulation, the Department should clarify its statutory authority, particularly with regard to non-profit institutions governed under Article IX.

### **2. Sections 2380.3, 2390.5, 6400.4 and 6500.4. Definitions.—Reasonableness; Clarity.**

#### *Document and Documentation*

The words “document,” “documenting” and “documentation” are used in several provisions in the proposed regulation. However, it is unclear what is entailed in “documenting.” Does this simply entail a staff person making a note or keeping a record, or does it mean gathering evidence and independent verification? The final-form regulation should either define the term or should specify the types or forms of documentation required for each provision.

#### *Outcome*

The term “outcome(s)” is used throughout the proposed regulation. It appears to be a “term of art” for mental health professionals with a definition that is somewhat different from the standard definition for this word in most dictionaries. One commentator expressed concern with this term. The final-form regulation should include a definition for the term in each of the four chapters.

#### *Supports Coordinator*

The use of the term “individual” within this definition is inconsistent with how the term “individual” is defined in the existing provisions of three of the four chapters. As a result, rather than change the existing definition of “individual,” the Department should change the word “individual” in this definition to “person” in the relevant sections of the final-form regulation.

In addition, what are “case management functions?” The term is used in the definition for “supports coordina-

tor” but it is not defined. The final-form regulation should include a definition for this term.

### **3. Sections 2380.33, 2390.33, and 6400.44. Program specialist; and Section 6500.43. Family living specialist.—Implementation procedures; Clarity.**

These sections provide information regarding the different types of specialists and their responsibilities. We raise six issues.

First, subsections 2380.33(b)(5), 2390.33(b)(5), 6400.44(b)(5) and 6500.43(d)(5) all indicate that the appropriate specialist shall be responsible for providing the completed assessment and IP prior to the planning meeting, and this information shall be sent to the appropriate persons “*within 30 days following the receipt of notification of the planning meeting.*” (Emphasis added.) However, these subsections do not make clear whether the planning meeting could occur within this 30-day time frame, and thus, the relevant information may not be received in time. Therefore, the final-form regulation should clarify that the planning meeting would occur **after** the 30-day deadline.

Second, Subsections 2380.33(b)(6)(i) and (ii); 2390.33(b)(6)(i) and (ii); 6400.44(b)(6)(i) and (ii); 6500.43(d)(6)(i) and (ii) use the term “content discrepancy,” however, it is unclear how the Department would determine whether such a discrepancy exists. Therefore, the final-form regulation should include examples of when this would occur.

Third, in Subsections 2380.33(b)(8), 2390.33(b)(8) and 6400.44(b)(8) what are “direct support professionals?” The final-form regulation should include a definition for this term.

Fourth, it appears that Subsections 2380.33(b)(10) and (11); 2390.33(b)(10) and (11); 6400.44(b)(10) and (11); 6500.43(d)(10) and (11) require both monthly **and** quarterly documentation of the “individual’s participation and progress for IP outcomes.” (Emphasis added.) The final-form regulation should explain the need for both types of documentation, in particular, why the regulation “ensures” monthly documentation, but is “providing” quarterly documentation. Furthermore, the Department should explain why the regulation states that quarterly documentation should be submitted to “the supports coordinator, individual, and if appropriate, the individual’s parent, guardian, or advocate,” but does not include the same for monthly documentation.

Fifth, Subsections 2380.33(c), (d) and (e); 2390.33(c), (d) and (e); 6400.44(c), (d) and (e); 6500.43(e) and (f) mention individuals that do not have supports coordinators. However, the regulation does not indicate how the specialist would determine whether or not there is an assigned supports coordinator. The final-form regulation should clarify this process. In addition, has the Department considered combining these three subsections together?

Finally, Subsection (d) in 2380.33, 2390.33, and 6400.44 provides that without an assigned supports coordinator, “the program specialist shall prepare the IP using **the Department approved format.**” (Emphasis added.) However, the regulation does not describe the approved format or how to obtain copies. The final-form regulation should indicate whether it will be available online or identify the appropriate Bureau or Division to contact with questions regarding the format.

### **4. Sections 2380.35 and 6400.45. Staffing.—Implementation procedures; Clarity.**

The proposed regulation amends both sections by adding language stating that “direct staff support” and

“staffing ratios” must “be implemented as written” and “specified in the IP.” However, the existing Subsection (a) in both sections specifies minimum required ratios for staff and individuals. A commentator raised similar concerns regarding Subsection (a) and the new language in Subsections 2380.35(e) and (f). It should be noted that similar language is also included in Subsections 6400.45(d) and (e).

The Department should determine whether the minimum ratios prescribed in Subsection (a) apply to the staff ratios set up by the IPs, or whether the Department should revise Subsection (a). In addition, the final-form regulation should clarify any resulting conflicts including whether the exceptions in the original regulation at Section 2380.35(a) are allowed (i.e. “except while staff persons are attending meetings or training at the facility”).

Finally, what is the difference between the phrase “direct staff support as specified in the IP shall be implemented as written” and the other phrase “staffing ratios specified in the IP shall be implemented as written”?

**5. Sections 2380.101 and 2390.91. Program activities and services.—Need; Clarity.**

Originally, these sections required that “program activities” shall be provided, as specified in each IP. The proposed regulation adds that “services” must also be provided. However, the regulation does not define “services,” nor does it explain the need for including this term. In order to resolve these issues, a definition for this term should be included in the final-form regulation.

**6. Sections 2380.103, 2390.95, 6400.122, and 6500.112. Development of the IP.—Implementation procedures; Clarity.**

In Section 2380.103(2), the new time period for completion of the IP is “within 30 days after the individual’s admission date.” Why not use “30 individual attendance days” which is used in the existing regulation, or “60 days” or “90 days,” as proposed in other chapters? Why is the measurement of “attendance days” being dropped in the proposed regulation? What happens if the individual is absent for a prolonged period? The final-form regulation should explain not only the need for, but also provide for possible exceptions to this deadline.

In Sections 2380.103(9), 6400.122(9) and 6500.112(8) what type of change to the individual’s needs would prompt the planning team to review an IP more frequently?

**7. Sections 2380.104, 2390.97, 6400.123 and 6500.113. Review of the IP.—Implementation procedures; Clarity.**

Section 2380.104(a) states that the review of each individual’s progress can be completed “every 3 months, or more frequently if the individual’s needs change.” A commentator questioned if the review is moved up before the three month mark, will subsequent reviews be recalibrated to be three months from the earlier date or from the original date for the “three-month” review? The Department should clarify this issue in the final-form regulation.

Sections 2380.104(c)(1), (2) and (3); 2390.97(d)(1), (2) and (3); 6400.123(c)(1), (2) and (3); 6500.113(c)(1), (2), and (3) all provide various circumstances for when an IP shall be revised. Who is responsible for making these determinations? Is it the provider, the IP team or the Department? If there is a disagreement between a provider and

a client or client’s family or representative, what is the process for resolving the difference?

**8. Sections 2380.106, 2390.96, 6400.125, and 6500.115. Content of the IP.—Implementation procedures; Duplication; Clarity.**

The topics and their sections are not necessarily in the same order in each chapter. For example, the section on “content of the IP” comes before the section on “review” in Chapter 2390, but there is a different order in the other chapters. The Department should review the numerical order of their sections, and if appropriate, make the necessary changes.

In Sections 2380.106(a)(5), 2390.96(a)(5), 6400.125(a)(5), and 6500.115(a)(6) the phrase “greater level of independence” is vague. It is unclear how specialists determine whether an individual had achieved a greater level. The final-form regulation should provide examples of how this is observed or measured. Also, the final-form regulation should clarify whether the term “assessment” refers to an individual’s initial or periodic assessment.

In Sections 2380.106(a)(7) and (8); 6400.125(a)(7) and (8); 6500.115(a)(7) and (8), what is “maladaptive behavior?” Also, in Sections 2380.106(a)(8), 6400.125(a)(8), and 6500.115(a)(8), what are examples of “restrictive procedures”? The final-form regulation should include definitions for both of these terms.

**9. Chapter 2390. Vocational Facilities.—Clarity.**

Section 2390.94 requires an “initial assessment” of the individual within 20 attendance days of admission. How often will assessments be performed after the first one? Where is this specified in the regulation? Section 2390.97 requires a review of the IP every three months, but it does not specifically mention an assessment. The timing of new assessments or re-assessments should be specified in the final-form regulation.

**10. Section 2390.99. Interdisciplinary team responsibility for individual written program plan.—Clarity.**

This section is among the existing provisions in Chapter 2390. However, it is not included in the proposed regulation, even though its title includes the term “individual written program plan,” which is being deleted elsewhere in this chapter. The section reads:

The interdisciplinary team is responsible for ensuring that the client needs specified in the plan are met.

If this section is to be retained, should the title be revised and the term “plan” in the text be replaced with the new acronym “IP” in the final-form regulation?

**11. Chapter 2390, Appendix A.—Clarity.**

Appendix A is entitled “Vocational Facilities Licensing Inspection Instrument.” In a few places, this appendix refers to the “individual written program plan” or “IWPP.” When will this appendix be updated to refer to the IP rather than an IWPP?

**12. Section 6400.127. Copies of the IP.—Clarity.**

What will happen to the existing language in Subsection (b), which includes the current acronym of “IPP” (individual program plan)? It appears that the proposed regulation would move this existing language to the new Subsection (d) unaltered.



### 13. Section 6500.43. Family living specialist.— Clarity.

In the new language in Subsection (d)(10), the words “participation progress” appear together. Should there be an “and” between these two words? The phrase “participation and progress” is used in Subsection (d)(11). The Department should review the regulation and make the appropriate changes to the final-form regulation, if necessary.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1302. Filed for public inspection July 11, 2008, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA 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, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Public Received	Meeting
57-258	Pennsylvania Public Utility Commission Electronic Filing	6/25/08	8/7/08
57-248	Pennsylvania Public Utility Commission Inspection and Maintenance Standards for the Electric Distribution Companies	6/25/08	8/7/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1303. Filed for public inspection July 11, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

LTC-1 Associates, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Forest City Personal Care in Forest City, PA. The initial filing was received on June 25, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—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, [syeger@state.pa.us](mailto:syeger@state.pa.us).

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1304. Filed for public inspection July 11, 2008, 9:00 a.m.]

### Erie Insurance Exchange; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On June 23, 2008, the Insurance Department (Department) received from Erie Insurance Exchange a filing for rate level changes for private passenger automobile insurance.

The company requests an overall rate change of 0.0% amounting to a decrease of \$351 thousand annually to be effective on November 1, 2008.

Unless formal administrative action is taken prior to August 22, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department’s web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under “Quick Links” click on “Rate Filings Published in the PA Bulletin.”

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg Regional office.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@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. 08-1305. Filed for public inspection July 11, 2008, 9:00 a.m.]

### Travelers Personal Insurance Company; Travelers Personal Security Insurance Company; Travelers Commercial Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On June 19, 2008, the Insurance Department (Department) received from Travelers Personal Insurance Company, Travelers Personal Security Insurance Company and Travelers Commercial Insurance Company a filing for rate level changes for private passenger automobile insurance.

The companies request an overall 5.5% increase amounting to \$6.965 million annually, to be effective September 24, 2008.

Unless formal administrative action is taken prior to August 18, 2008, the subject filing may be deemed approved by operation of law.

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

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1306. Filed for public inspection July 11, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Berks County, Wine & Spirits Store #0622, (Relocation), Reading, PA

*Lease Expiration Date:* August 31, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,300 to 8,000 plus net useable square feet of new or existing retail commercial space. Location must be along Perkiomen Avenue in Exeter Township, Reading, PA, Berks County.

*Proposals due:* August 8, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, (717) 657-4228

Chester County, Wine & Spirits Store #1517, (Relocation), Wayne, PA

*Lease Expiration Date:* April 30, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 10,000 net useable square feet of new or existing retail commercial space. Location must be within a 1 mile radius from the intersection of Lancaster Avenue and Berkley Road, Tredyffrin Township, Wayne, PA, Chester County.

*Proposals due:* July 25, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9670

Montgomery County, Wine & Spirits Store #4618, (Relocation), Norristown, PA

*Lease Expiration Date:* March 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new

or existing retail commercial space. Location must be within a 1 mile radius from the intersection of Main and DeKalb Streets, Norristown, PA, Montgomery County.

*Proposals due:* July 18, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 08-1307. Filed for public inspection July 11, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Extension of the Fuel Cost Recovery Surcharge

#### Order

Public Meeting held  
June 24, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice-Chairperson; Tyrone J. Christy; Kim Pizzingrilli

#### Extension of the Fuel Cost Recovery Surcharge; S.P. 28209

#### Order

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28209, ratified June 1, 2006, authorized call or demand, paratransit and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset significant increases in the cost of fuel. The fuel surcharge became effective on July 1, 2006, and was extended on June 21, 2007. It is currently scheduled to terminate on June 30, 2008.

In a letter dated May 1, 2008, the Pennsylvania Taxicab and Paratransit Association (PTPA), on behalf of its members, has requested that this Commission extend the fuel cost recovery surcharge for a period of 1 year. PTPA cites the ongoing instability of retail gasoline prices as the reason for this request.

Initially, all call or demand, paratransit and airport transfer carriers were authorized to collect the surcharge found on the Fuel Surcharge page of the Commission's web site. The average price of fuel was posted on the third Friday of each month, with the effective date of the surcharge being the first day of the subsequent month. The Commission determined the average cost of unleaded regular gasoline based upon gasoline prices in the index of the Energy Information Administration of the United States Department of Energy. The amount of the fuel surcharge was determined by locating the average price of gasoline on a chart, also displayed on that page, and selecting the corresponding fuel surcharge in the column for the respective type of transportation.

Determination of the amounts to be charged was based on the cost of gasoline per trip. The constants used for calculations were those based upon statistics from the Taxicab, Limousine and Paratransit Association: The av-

average trip length of 6.8 miles for call or demand carriers and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department of Energy). The cost per trip was calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart as follows.

**PASSENGER CARRIER FUEL  
SURCHARGE CHART**

<i>FUEL (\$/Gal)</i>	<i>TAXICABS*</i>	<i>PARATRANSIT/ AIRPORT TRANSFER**</i>
\$3.00—\$3.09	\$ .75	\$1.70
\$3.10—\$3.19	\$ .80	\$1.80
\$3.20—\$3.29	\$ .85	\$1.95
\$3.30—\$3.39	\$ .90	\$2.05
\$3.40—\$3.49	\$ .95	\$2.15
\$3.50—\$3.59	\$1.00	\$2.25
\$3.60—\$3.69	\$1.05	\$2.35
\$3.70—\$3.79	\$1.10	\$2.45
\$3.80—\$3.89	\$1.15	\$2.55
\$3.90—\$3.99	\$1.20	\$2.65
\$4.00—\$4.09	\$1.25	\$2.75
\$4.10—\$4.19	\$1.30	\$2.85
\$4.20—\$4.29	\$1.35	\$2.95
\$4.30—\$4.39	\$1.40	\$3.05
\$4.40—\$4.49	\$1.45	\$3.15
\$4.50—\$4.59	\$1.50	\$3.25
\$4.60—\$4.69	\$1.55	\$3.35
\$4.70—\$4.79	\$1.60	\$3.45
\$4.80—\$4.89	\$1.65	\$3.55
\$4.90—\$4.99	\$1.70	\$3.65
\$5.00—\$5.09	\$1.75	\$3.75
\$5.10—\$5.19	\$1.80	\$3.85
\$5.20—\$5.29	\$1.85	\$3.95
\$5.30—\$5.39	\$1.90	\$4.05
\$5.40—\$5.49	\$1.95	\$4.15
\$5.50—\$5.59	\$2.00	\$4.25
\$5.60—\$5.69	\$2.05	\$4.35
\$5.70—\$5.79	\$2.10	\$4.45
\$5.80—\$5.89	\$2.15	\$4.55
\$5.90—\$5.99	\$2.20	\$4.65
\$6.00—\$6.09	\$2.25	\$4.75
\$6.10—\$6.19	\$2.30	\$4.85
\$6.20—\$6.29	\$2.35	\$4.95
\$6.30—\$6.39	\$2.40	\$5.05
\$6.40—\$6.49	\$2.45	\$5.15
\$6.50—\$6.59	\$2.50	\$5.25

<i>FUEL (\$/Gal)</i>	<i>TAXICABS*</i>	<i>PARATRANSIT/ AIRPORT TRANSFER**</i>
\$6.60—\$6.69	\$2.55	\$5.35
\$6.70—\$6.79	\$2.60	\$5.45
\$6.80—\$6.89	\$2.65	\$5.55
\$6.90—\$6.99	\$2.70	\$5.65
\$7.00—\$7.09	\$2.75	\$5.75

\* The amount is *per trip*.

\*\* The amount is per paying passenger *per trip*.

The Commission's intention was to create flexibility for both the carriers and the Commission. By establishing gasoline prices which would "trigger" a change in the surcharge, it would no longer be necessary to monitor the surcharge at different intervals. This flexibility would also aid in eliminating the need for emergency petitions, as was the case following Hurricane Katrina in 2005.

In the process of considering this request, the Commission has analyzed current information available from the Energy Information Administration of the United States Department of Energy, the American Automobile Association and OPIS Energy Group. Data from these groups indicate that the retail price of gasoline will continue to increase throughout the summer months and even beyond, due to increased demand and the uncertainty of supply.

Many refineries have failed to return from unplanned outages and maintenance. Should more unplanned outages occur, there will be a significant impact on the future path of prices. Several analysts expect to see refinery maintenance remain relatively high even into June. High import volumes also play a part in keeping supplies adequate. Additionally, there remain many trouble spots across the globe that could affect the crude oil supply, prices and gasoline prices (such as, Venezuela, Nigeria, Iran, and the like). Projections such as this indicate that the cost of gasoline will remain a problem for the transportation industry.

Based on our review, it appears that an extension of the Fuel Cost Recovery is an appropriate way to address the high costs and instability of gasoline prices at the present time. However, the industry should not continue to rely on this measure as a means of relief. Members of the industry will have the responsibility of taking appropriate measures.

After due consideration, we have determined that fuel costs are not likely to decrease. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the Fuel Cost Recovery Surcharge to permit the recovery of fuel expenditures; *Therefore,*

*It is Ordered that:*

1. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be and is hereby extended until June 30, 2009, unless changed, cancelled or extended by the Commission.

2. On the third Friday of every month, the Commission shall post on its web site at [www.puc.state.pa.us/transport/motor/fuel\\_surcharge.aspx](http://www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx) the average cost of unleaded regular gasoline upon which the surcharge will be determined.

3. Call or demand, paratransit and airport transfer carriers rendering transportation service under the juris-

diction of the PA Public Utility Commission shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28209. The surcharge has been extended and shall terminate on June 30, 2009. The current surcharge is (insert current charge here) per trip for each paying passenger"

4. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be continued until midnight, June 30, 2009, at which time it will expire.

5. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1308. Filed for public inspection July 11, 2008, 9:00 a.m.]

**Granger Energy of Morgantown, LLC; Doc. No. M-00051865F0002**

Under the Pennsylvania Public Utility Commission's Statement of Policy Guidelines for Determining Public Utility Status, 52 Pa. Code § 69.1401(g) (relating to guidelines for determining public utility status—statement of policy), Granger Energy of Morgantown, LLC, has filed a Notice and Disclosure Statement. Granger asserts that its statement contains information sufficient so that a determination may be made as to the jurisdictional status of its landfill gas facility project located in Morgantown in Berks County.

The project, called the Conestoga Landfill Project, will be constructed at the Conestoga Landfill and is expected to have a capacity output between 6,000 and 10,000 standard cubic feet per minute. This gas is intended to serve three customers and will be delivered to them by means of a pipeline to be constructed by UGI Gas Utilities and maintained jointly by UGI and Granger. The pipeline will interconnect with a pipeline operated by Granger Energy of Honey Brook, LLC—an affiliated company of Granger—which delivers landfill gas in Lancaster County.

Granger maintains that the Conestoga Landfill Project does not meet the requirements to be considered a public utility. Granger states that it will amend its filing in the event of a change in the nature or operation of the project consistent with 52 Pa. Code § 69.1401(g)(4).

The Notice and Disclosure Statement is on file with the Commission and is available for public inspection at the Office of the Secretary, 400 North Street, Harrisburg, PA 17105-3265. A copy of this Secretarial Letter shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1309. Filed for public inspection July 11, 2008, 9:00 a.m.]

**Tentative Order**

Public Meeting held  
June 24, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzigrilli

*Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standard Interconnection Application Forms; M-00051865*

**Tentative Order**

*By the Commission:*

In 2006, we finalized our Regulations regarding Interconnection Standards in accordance with the Alternative Energy Portfolio Standards Act of 2004 (AEPS Act), 73 P. S. §§ 1648.1—1648.8, at 52 Pa. Code §§ 75.1—75.51. The Interconnection Standards call for several levels of review for proposed interconnection projects depending on the nameplate capacity of the generation equipment to be installed and the complexity of the project. *See*, 52 Pa. Code § 75.34. The Regulations also provide that standard interconnection forms will be used and posted on electric distribution companies' (EDC) web sites. 52 Pa. Code § 75.33.

Following promulgation of the Interconnection Regulations, the task of developing standard application forms and interconnection agreements for each level of interconnection request was assigned to the Interconnection Standards Working Group. On November 17, 2006, a sub-group was formed to concentrate on development of the interconnection application and agreement forms. The sub-group consisted of representatives from consumer interests, alternative energy system vendors, EDCs and the Energy Association of Pennsylvania.

As Pennsylvania was working with the AEPS Act and its implementation, there was also a regional group that worked with many of the issues confronting Pennsylvania regarding interconnection standards and application forms. That regional group was known as the Mid-Atlantic Demand Resource Initiative (MADRI). In November of 2005, MADRI issued the MADRI Model Small Generator Interconnection Procedures. Those procedures contained standard application and interconnection agreement forms which applied to several different levels of review for specific types of interconnection projects. The Interconnection Standards sub-group organized in November of 2006 was directed to use the MADRI forms as its starting point.

In December of 2007, the Interconnection Standards sub-group reported to Commission Staff that it had finished its work and was prepared to present standard application and agreement forms to the full Interconnection Standards Working Group for comment. On December 19, 2007, Commission Staff forwarded the draft standard application and agreement forms to the full Interconnection Standards Working Group for comment. Very few comments were received. The Interconnection Standards sub-group reviewed and incorporated those comments into a final draft of the standard application forms. On February 13, 2008, Commission Staff forwarded the final draft of the standard application and agreement forms to the full Interconnection Standards Working Group for comment. Only one comment was received which recommended increasing certain nameplate capacity limits to be consistent with amendments to the AEPS Act. The sub-group revised the draft standard

application and agreement forms to address that single comment and the final proposed standard application and interconnection agreement forms were presented to Commission Staff.

At this time, Commission Staff has advised that the Interconnection Standards Working Group has finished its work on the standard application and interconnection agreement forms for interconnection requests. Pursuant to 73 P. S. § 1648.5 and 52 Pa. Code § 75.33, the Commission tentatively adopts the draft standard application and interconnection agreement forms as presented by the Interconnection Standards Working Group. Those application forms are attached to this Tentative Order as Appendix A. It should be noted that the application forms are designed for an internet platform. Several of the items in each of the forms contain drop-down menu boxes for interconnection customers to use. In the event that a prospective interconnection customer chooses not to use the web-based application forms, the EDC can accommodate that customer with printed applications.

The applications and interconnection agreements are split into two discrete formats. First, Level 1 inverter-based systems with nameplate capacities of 10 kW or less, which have been certified per the Commission's Regulations at 52 Pa. Code § 75.34(1)(ii), will be processed with a basic application form and agreement. The application form is designed to provide the EDC with sufficient information at the beginning of the process to permit prompt action on the request and reduce the amount of time the EDC will need to evaluate and approve the interconnection.

The Interconnection Agreements for Levels 1 and 2—4 contain specific limitations on liability and indemnification provisions. These provisions are consistent with the MADRI forms. It should be noted that there is no requirement for insurance. *Final Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5, L-00050175* (Order entered August 22, 2006), at 19.

By their nature, Levels 2 through 4 interconnection requests are more complicated endeavors and cover a far broader range of equipment installations than a Level 1 interconnection request. For that reason, the Level 2 through 4 standard forms advise prospective interconnection customers of the types of information that may be required by an EDC, but direct the customer to work directly with the EDC to determine the kinds of information needed to process the application. As noted in the standard form, a Level 2, 3 or 4 interconnection may require several meetings with EDC personnel as well as engineering studies as required by the Commission's Regulations. The interconnection application forms proposed in this Tentative Order have been conformed to the higher capacity limits for Customer-generators as provided in Act 35 of 2007, 2007 Pa. Laws 35. It is anticipated that the Commission's Regulations in Chapter 75 of Title 52 of the Pennsylvania Code will be amended in the near future to conform to the increased capacity limits set forth in Act 35.

We will direct that this Tentative Order be published in the *Pennsylvania Bulletin* and a copy of this Tentative Order and Annex A shall be served on all jurisdictional EDCs, all licensed electric generation suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Pennsylvania

Department of Environmental Protection and the Interconnection Standards Working Group. Interested persons may review the proposed application forms at the Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us).

We will seek one additional round of comments on the proposed standard interconnection application forms. Comments to the proposed application forms will be due twenty days from the date of publication in the *Pennsylvania Bulletin*. To the extent that any changes to the application forms are suggested, comments should include a detailed analysis which supports the proposed changes. If engineering components are involved, specific, technical reasons why changes are needed must be provided. Proposed changes that are not supported by appropriate analyses are unlikely to be adopted.

At the conclusion of the comment period, we will review any comments submitted and issue a final Order adopting the resulting standard interconnection application forms. Upon the entry of that final Order, jurisdictional EDCs will be directed to use the standard interconnection application forms and post those forms on their web sites. While there may be occasions when an EDC and a customer generator seeking interconnection will need to deviate from the standard forms, we anticipate that such occasions will be rare. In the event the EDC and the customer generator are unable to reach agreement in those instances, they may avail themselves of the dispute procedure set forth in 52 Pa. Code § 75.51.

### CONCLUSION

Pursuant to Section 1648.5 of the AEPS Act, 73 P. S. § 1648.5, and Section 75.33 of the Commission's Regulations, 52 Pa. Code § 75.33, we will tentatively adopt the proposed standard Interconnection Application Forms attached to this Tentative Order as Appendix A and seek comments on those forms. Any interested person may file comments within twenty (20) days of the publication of this Tentative Order in the *Pennsylvania Bulletin*; *Therefore*,

*It Is Ordered:*

1. That the standard Interconnection Application Forms attached hereto as Appendix A are tentatively adopted for use by jurisdictional electric distribution companies for processing interconnection requests brought under the Commission's Regulations at 52 Pa. Code §§ 75.1 through 75.50.

2. That a copy of this Tentative Order and Annex A be served upon the Commission's Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional electric utility companies, licensed electric generation suppliers, the Pennsylvania Department of Environmental Protection and the Interconnection Standards Working Group.

3. That the Secretary shall cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin*.

4. An original and fifteen copies of any written comments referencing the caption and docket number of this Tentative Order shall be submitted within twenty (20) days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA. 17105-3265.

5. That the contact persons are Greg Shawley, Bureau of Conservation, Economics and Energy Planning, (717) 787-5369 (technical), and H. Kirk House, Office of Special Assistants, (717) 772-8495 (legal).

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1310. Filed for public inspection July 11, 2008, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Kimberly A. Young; Doc. No. 0575-45-2008**

On April 15, 2008, Kimberly A. Young, license no. CO-207755-L, of Audubon, Montgomery County, was assessed an additional civil penalty of \$250, for a total civil penalty due and owing of \$500, based on Kimberly A. Young having failed to pay a civil penalty that is a lawful disciplinary order of the State Board of Cosmetology (Board).

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

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1311. Filed for public inspection July 11, 2008, 9:00 a.m.]

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## STATE BOARD OF DENTISTRY

**Bureau of Professional and Occupational Affairs v.  
Marela C. Garcia; Doc. No. 1713-46-06**

On May 13, 2008, Marela C. Garcia, unlicensed, of Wynnwood, Montgomery County, was assessed a \$1,000 civil penalty and ordered that as a prerequisite for licensure, she must submit documentation to the State Board of Dentistry evidencing that she has successfully taken and passed the Jurisprudence, Ethics and Risk Management (JERM) Examination, based on findings that Marela C. Garcia held herself out as a practitioner or entitled or authorized to practice dentistry without being duly licensed or certified.

Individuals may obtain a copy of the adjudication by writing to Christopher P. Grovich, Board Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOHN V. REITZ, D.D.S.,  
*Chairperson*

[Pa.B. Doc. No. 08-1312. Filed for public inspection July 11, 2008, 9:00 a.m.]

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## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
John M. Callery, RN; Doc. No. 0345-51-07**

On May 21, 2008, John M. Callery, license no. RN-321279-L, of South Park, Allegheny County, had his nursing license indefinitely suspended, the suspension immediately stayed in favor of probation concurrent with the term of his probation in North Carolina based on disciplinary action taken against his license by the proper licensing authority of North Carolina.

Individuals may obtain a copy of order by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

MARY E. BOWEN, RN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 08-1313. Filed for public inspection July 11, 2008, 9:00 a.m.]

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## STATE BOARD OF PHARMACY

**Bureau of Professional and Occupational Affairs v.  
Nasser Mahmud, R.Ph.; Doc. No. 1298-54-07**

On May 30, 2008, the State Board of Pharmacy (Board) suspended the license of Nasser Mahmud, license no. RP-043275-L, of Beltsville, MD, until he submits proof of completion of 30 hours of ACPE continuing education, publicly reprimanded his license and assessed a \$3,000 civil penalty based on findings that he failed to complete 30 hours of continuing education as required by the Board's regulations and that he procured a license through fraud, misrepresentation or deceit, by falsely indicating that he had 30 hours of ACPE approved continuing education.

Individuals may obtain a copy of the order of suspension by writing to Carole L. Clarke, Board Counsel, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649.

This order of suspension represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the

Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of a petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL A. PODGURSKI, R. Ph.,  
*Chairperson*

[Pa.B. Doc. No. 08-1314. Filed for public inspection July 11, 2008, 9:00 a.m.]

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## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
James L. Kilpatrick; Doc. No. 0810-60-2008**

On April 18, 2008, James L. Kilpatrick, license no. MV-208423, of Port Allegany, McKean County, had his vehicle salesperson license suspended for his having failed to pay a State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) ordered civil penalty.

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

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 08-1315. Filed for public inspection July 11, 2008, 9:00 a.m.]

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