

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Direct Farm Sales Grant Program; Extension of Application Period

The Department of Agriculture (Department) gives notice that it is extending the close of the period within which it will receive applications for grants under the Direct Farm Sales Grant Program (Program). The close of the application window had been December 5, 2008. This application deadline is hereby extended to December 29, 2008.

The details of the Program were originally published on October 25, 2008 (38 Pa.B. 5857). This notice is repeated as follows, with the addition of the extended grant application filing deadline date:

The Program is administered by the Department's Bureau of Food Distribution (Bureau). For the 2009 Project Year, the application period is November 3, 2008, to December 29, 2008. Information about the Program and application forms can be accessed at the Department's web site [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us) or by contacting the Bureau at (800) 468-2433, Pam Dailey or Sandy Hopple.

In summary, the Program provides funds to Pennsylvania-based businesses that manage or operate a farm stand or farmers' markets, nonprofit organizations,

farmers and local governments for projects intended to promote new or existing farmers' markets. The maximum Grant amount per farm stand or farmers' market location shall be \$7,500 and applicants shall be expected to provide 25% of the approved Grant amount in matching funds or in-kinds goods or services. The anticipated date for the Award of Grants and Notice thereof is expected to be on or before March 1, 2009. The application, work plan and budget should reflect March 1, 2009, as the project start date and the project completion date will be September 30, 2009.

Applications for the Program will be accepted by the Department beginning Monday, November 3, 2008, and continue through Monday, December 29, 2008. Applications hand-delivered must be delivered to the Bureau's office by 4 p.m. on Monday, December 29, 2008, the application closing date. Applications which are mailed must be postmarked no later than Monday, December 29, 2008, and received at the Bureau's office no later than January 5, 2009.

Completed applications should be addressed to or delivered to Department of Agriculture, Bureau of Food Distribution, Direct Farm Sales Grant Program, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 08-2235. Filed for public inspection December 12, 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 December 2, 2008.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection during regular business hours. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-29-2008	Franklin Financial Services Corporation, Chambersburg, acquired 100% of Community Financial, Inc., Camp Hill, and thereby indirectly acquired Community Trust Company, Camp Hill	Chambersburg	Effective

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-29-2008	Farmers and Merchants Trust Company of Chambersburg, Chambersburg, and Community Trust Company, Camp Hill Surviving Institution: Farmers and Merchants Trust Company of Chambersburg, Chambersburg	Chambersburg	Effective

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-2008	QNB Bank Quakertown Bucks County	1042 Millcreek Road Wescosville Lehigh County	Opened
11-26-2008	CNB Bank Clearfield Clearfield County	885 Park Avenue Meadville Crawford County	Filed

The previous branch office will be operated under the fictitious name "ERIEBANK."

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-24-2008	Belco Community Credit Union Harrisburg Dauphin County	5304 Carlisle Pike Mechanicsburg Cumberland County	Opened

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. 08-2236. Filed for public inspection December 12, 2008, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2009**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January, 2009, is 6 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.90 to which was added 2.50 percentage points for a total of 6.40 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-2237. Filed for public inspection December 12, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

Unless indicated otherwise, the 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

*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>
PA0239160	McCalmont Township WWTP 127 Firehouse Lane Anita, PA 15711	McCalmont Township Jefferson County	Elk Run 17-D	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.*

**PA0027987**, Sewage, **HMSHost Corporation**, P. O. Box 8, Middletown, PA 17057. This existing facility is located in Wallace Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of a NPDES permit to discharge treated sewage from the sewage treatment plant serving the Peter J. Camiel Service Plaza located at Mile Post 304.8 westbound on the Turnpike.

The receiving stream, a UNT to Marsh Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-TSF, MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>					
(5-1 to 10-31)	4.2		10		20
(11-1 to 4-30)	8.3		20		40
Total Suspended Solids	8.3		20		40
Ammonia as N					
(5/01 to 10/30)	1.3		3.0		6.0
(11/01 to 4/30)	3.7		9.0		18.0
Total Phosphorus as P					
years 1 and 2					
(4-1 to 10-31)	0.42		1.0		2.0
(11-1 to 3-31)	Monitor and Report		Monitor and Report		
years 3—5					
(4-1 to 10-31)	0.42		1.0		2.0
(11-1 to 3-31)	0.83		2.0		4.0
Fecal Coliform			200/100 ml (Geometric Mean)		1,000/100 ml
pH (Standard Units)			6.0 (Minimum)		9.0
Total Residual Chlorine			0.5		1.2
Dissolved Oxygen			5.0 (Minimum)		
Total Nitrogen	Monitor and Report		Monitor and Report		

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

1. Notification of Designation of Operator.
2. Phase Out when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Discharge to Small Stream.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. 2/Month Sampling.
11. Laboratory Certification.
12. Instantaneous Max Requirements.
13. Fecal Coliform I-Max Reporting.
14. Fecal Coliform 10% Rule.
15. Certified Operator.

**PA0244279**, Industrial Waste, SIC 4941, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969-1912. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Activity: The backwash water discharge of the arsenic treatment system of a potable water system. The rate of discharge will be 460 gallons per minute for 10 minutes every 2—4 weeks.

The receiving stream, UNT to Perkiomen Creek, is in the State Water Plan Watershed 3E and is classified for: TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of 4,600 gpd.

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Total Suspended Solids	30	60	75
pH (Standard Units)	Within limits of 6 to 9 Standard Units at all times		
Iron, Total	1.5	3.0	3.75
Arsenic, Total	Monitor and Report		

The EPA waiver is in effect.

**PA0056553**, Industrial Waste, SIC 2951, **Allan A. Myers, LP, d/b/a Independence Construction Materials**, 638 Lancaster Avenue, Malvern, PA 19355. This existing facility is located in Charlestown Township, **Chester County**.

Description of Proposed Activity: Renewal of existing NPDES permit to discharge stormwater from an asphalt manufacturing facility.

The receiving stream, a UNT to Pickering Creek, is in the State Water Plan Watershed 3D and is classified for: HQ-TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of an average storm event:

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

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

1. Change in Ownership.
2. Remedial Measures if Public Nuisance.
3. Stormwater Requirements.
4. Laboratory Certification.

The EPA waiver is in effect.

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

**PA0063711**, Sewage, **Central Carbon Municipal Authority**, 1000 Lehigh Drive, Lehigh, PA 18235. This proposed facility is located in Mahoning Township, **Carbon County**.

Description of Proposed Activity: Renewal of an NPDES Permit for an existing discharge.

The receiving stream, Lehigh River, is in the State Water Plan Watershed No. 02B and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Northampton Borough is located on Lehigh River is approximately 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.6 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean		
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		

Outfall 002—004 are existing stormwater discharge.

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

1. Whole effluent toxicity test requirement.
2. Stormwater discharge requirements.

**PAS#602205**, Industrial Stormwater, **Shafer's Auto Graveyard**, 233 Kramer Road, Wind Gap, PA 18091. This proposed facility is located in Bushkill Township, **Northampton County**.

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

The receiving stream, Bushkill Creek, is in the State Water Plan Watershed No. 01F and is classified for: HQ-CWF.

The proposed effluent limits for Outfall 001 are as follows:

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

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

1. Requirements applicable to stormwater outfalls along with identified best management practices.

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

**Application No. PA 0029866**, Sewage, **Cumberland Valley School District**, 6746 Carlisle Pike, Mechanicsburg, PA 17050-1796. This facility is located in Silver Spring Township, **Cumberland County**.

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

The receiving stream, UNT to Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Conodoguinet Creek, approximately 4.1 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0065 mgd are:

Parameter	Average	Instantaneous
	Monthly (mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>	10	20
Total Suspended Solids	10	20
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a Geometric Average	
(5-1 to 9-30)	2,000/100 ml as a Geometric Average	
(10-1 to 4-30)		

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 0087912**, Industrial Waste, SIC Code 5171, **Arnold Fuel Oil Company**, P. O. Box 2621, Harrisburg, PA 17105. This facility is located in Silver Spring Township, **Cumberland County**.

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

The receiving stream, drainage swale to Hogestown Run, is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water Company located on the Conodoguinet Creek, approximately 6.2 miles downstream. The receiving stream, drainage swale to Trindle Spring Run is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Steelton Municipal Waterworks located on the Susquehanna River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—003 are:

Parameter	Mass (lbs/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	15	30	

The proposed effluent limits for Internal Monitoring Point 101 are:

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	Monitor and Report		

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 0020826**, Sewage, **Dover Township**, 2480 West Canal Road, Dover, PA 17315. This facility is located in Conewago Township, **York County**.

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

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

The proposed permit amendment revises the interim milestone dates in the schedule for complying with the Chesapeake Bay nutrient cap loads, and clarifies the effective date for compliance with the cap loads. The final date for complying with the nutrient cap loads has not been amended. A special condition has been added to clarify the when the discharger is eligible to receive offsets for accepting and treating septage.

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

The EPA waiver is not in effect.

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

**PA0034797**, Sewage, **U.S. Department of Justice, Federal Bureau of Prisons**, Northeast Regional Office, U.S. Customs House, 7th Floor, Second and Chestnut Streets, Philadelphia, PA 19106. This application is for renewal of an NPDES permit to discharge treated sewage from Loretto Federal Correctional Institution STP in Allegheny Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Clearfield Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Shawville Power Station, on the West Branch Susquehanna River.

*Outfall 001: existing discharge, design flow of 0.2 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	7.7	11.6		15.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

As part of Pennsylvania's Chesapeake Bay Tributary Strategy Implementation Plan for NPDES Permitting, the NPDES permit will include monitoring requirements for the first 2 years of the permit for the parameters of Ammonia-N, Total Nitrogen (calculated as the sum of Kjeldahl-N, Nitrite-N and Nitrate-N) and Total Phosphorus.

The EPA waiver is in effect.

**PA0040843**, Sewage, **Lutheran Camp Association**, P. O. Box 245, Jennerstown, PA 15547. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Sequanota Sewage Treatment Plant in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Pickings Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks located on the Conemaugh River.

*Outfall 001:* existing discharge, design flow of 0.015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			2.5
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217417**, Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. This application is for renewal of an NPDES permit to discharge treated sewage from Mamont Elementary School STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Beaver Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority on Beaver Run Reservoir.

*Outfall 001:* existing discharge, design flow of 0.002/0.016 mgd.<sup>1</sup>

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.5			7.0
Phosphorus	1.0			2.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.06			0.13
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: <sup>1</sup> The STP average design flow is 0.016 mgd. However, the STP was approved to be modified with temporary partitions and piping to treat an average design flow of 0.002 mgd due to lower flows received. The STP must always be operated within the flow constraints of the temporary plant modifications installed.

The EPA waiver is in effect.

**PA0252492**, Sewage, **Shippingport Borough**, P. O. Box 76, Shippingport, PA 15077. This application is for renewal of an NPDES permit to discharge treated sewage from Shippingport Borough STP in Shippingport Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, 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 Midland Borough Municipal Authority on the Ohio River.



*Outfall 001:* existing discharge, design flow of 0.0985 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a Geometric Mean			
(11-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0252531**, Sewage, **Independence-Cross Creek Joint Sewer Authority**, 16 Campbell Street, P. O. Box 156, Avella, PA 15312. This application is for renewal of an NPDES permit to discharge treated sewage from Independence-Cross Creek Joint Sewer Authority Wastewater Treatment Plant in Independence Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cross Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Wellsburg Filtration Plant.

*Outfall 001:* existing discharge, design flow of 0.236 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	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	9.5	14.3		19.0
(11-1 to 4-30)	25.0	37.5		50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0253812**, Sewage, **Glendale Valley Municipal Authority**, 743 Ridge Road, Fallentimber, PA 16639. This application is for issuance of an NPDES permit to discharge treated sewage from Glendale Valley Municipal Authority STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Shawville Power Plant.

*Outfall 001:* new discharge, design flow of 0.3 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

As part of Pennsylvania's Chesapeake Bay Tributary Strategy Implementation Plan for NPDES Permitting, the NPDES permit will include monitoring requirements for the first 2 years of the permit for the parameters of Ammonia-N, Total Nitrogen (calculated as the sum of Kjeldahl-N, Nitrite-N and Nitrate-N) and Total Phosphorus.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 4508406**, Sewerage, **PA American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: This project is for the construction of a sewage lift station and force main for 139 proposed residential units in the Mountain Hollow development.

**WQM Permit No. 4508407**, Sewerage, **CB H20 LP**, P. O. Box 168, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and sewage collection system to service the proposed 413 room hotel and 100,000 SF waterpark located at Camelback Ski Area.

**WQM Permit No. 4008405**, Sewerage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Hazleton, PA 18201-0651. This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Action/Activity: This project is for an upgrade to the existing wastewater treatment plant to include nutrient removal facilities, CSO treatment facilities and sludge handling facilities.

**WQM Permit No. 4808402**, Sewerage, **Bethlehem Crossings, IV, LLC**, 2099 Gaither Road, Suite 100, Rockville, MD 20850. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: This project is for the construction of onlot sewer and wastewater treatment and disposal systems for two buildings located on a 48.95 acre lot subdivision.

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

**WQM Permit No. 3608408**, Sewerage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Treatment plant upgrade for biological nutrient removal.

**WQM Permit No. 0197404, Amendment 08-1**, Sewerage, **Chesapeake Estates Mobile Home Park**, 585 Martin Road, Gettysburg, PA 17325. This proposed facility is located in Mt. Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a new package wastewater treatment plant with stream discharge to upgrade and replace the existing lagoon treatment plant with spray irrigation.

**WQM Permit No. 4400401, Amendment 08-1**, Sewerage, **Granville Township Board of Supervisors**, 100 Helen Street, Lewistown, PA 17044. This proposed facility is located in Granville Township, **Mifflin County**.

Description of Proposed Action/Activity: Seeking approval for sewage plant approvals including aluminum storage feed, SBR modifications and metering.

**WQM Permit No. 3108403**, Sewerage, **Jason Brenneman**, 1114 Mifflin Street, Huntingdon, PA 16652. This proposed facility is located in Walker Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking approval for the construction of a small flow sewage treatment plant to serve a single-family residence on 11973 Hartslog Valley Road.

**WQM Permit No. 4495402, Amendment 08-1**, Sewerage, **Municipal Authority of the Township of Union**, P. O. Box 5625, Belleville, PA 17004-5625. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Seeking approval for headworks improvements and chemical addition for phosphorus removal at their existing plant.

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

**WQM Permit No. 2508406**, Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This is the first of two phases to increase sewer conveyance capacity in the critical sections of Millcreek Township Sewer Authority's system in the Glenwood Area. About 1,050 feet of 12" sewer on Old Perry Highway and Perry Highway will be replaced by 15" gravity sewer segments, thereby allowing adequate carrying capacity for the combined peak flows from both Millcreek and Summit Townships. This project will abate a projected hydraulic overload in those areas.

**WQM Permit No. 2588403**, Sewerage, **Amendment No. 2, Albion Borough**, 26 Smock Avenue, Albion, PA 16401. This proposed facility is located in Albion Borough, **Erie County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewage wastewater facilities consisting of a dechlorination system for the plant effluent and an organic rerating of the wastewater treatment plant.

**WQM Permit No. 1008403**, Sewerage, **Western Butler County Authority**, 607 Market Street, P. O. Box 427, Zelienople, PA 16063-0427. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: The pump station will serve the proposed Creekside Manor residential plan which will include 163 townhome units, 276 apartment units and a clubhouse facility. The pump station will also serve a future commercial development north of Creekside Manor. These flows are ultimately conveyed to the W.B.C.A. Water Pollution Control Plant (WPCP) in Zeilienople.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1503054-R	Pulte Homes of PA, Limited Partnership 1100 Northbrook Drive Suite 200 Trevose, PA 19053	Chester	Upper Uwchlan Township	UNT Pickering 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>
PAI023903037R	Scott Faust Upper Macungie Township 8330 Schantz Road Breiningsville, PA 18031	Lehigh	Upper Macungie Township	Tributary to Little Lehigh Creek HQ-CWF
PAI023908026	Mary Wright Salisbury Township School District 1140 Salisbury Road Allentown, PA 18103	Lehigh	Salisbury Township	Trout Creek HQ-CWF

*Luzerne County Conservation District: Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024008002	M.A.C. Realty Co., Inc. Attn: Christopher Vincelli 419 Country Club Road Dallas, PA 18612	Luzerne	Dallas Township	Toby Creek 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>
PAI030708006	Sam McCloskey 419 North Second Street Altoona, PA 16601	Blair	Antis Township	Sandy Run HQ-CWF
PAI032108017	Brad Mentzer Carlisle Evangelical Free Church 290 Petersburg Road Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run EV
PAI033608008	Harvey R. Zimmerman 1917 Birchwood Street East Earl, PA 17519	Lancaster	Brecknock Township	UNT to Rock Run HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(3)	Ian Salada Penn State East Campus Penn State University 113 Office of Physical Plant University Park, PA 16802	Centre	College Township State College Borough	Slab Cabin CWF Thompson Run HQ-CWF Spring Creek HQ-CWF

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

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

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
James Ayoub Farm 3933 Lehigh Drive Northampton, PA 18067	Northampton	35	607.99	Finishing Swine and Beef Cows	N/A	New
Donald Burkholder 518 Parkside Inn Road Bernville, PA 19506	Berks	294 Total/ 233.5 Nutrient Management Acres	800.1	Layers/Dairy/ Cattle	N/A	Renewal
Stoner's Hijos Hill, Inc. 7678 Oellig Road Mercersburg, PA 17236	Franklin	1,470.5	1,222.65	Dairy	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

##### Application No. 0908511, Public Water Supply.

Applicant **Borough of Quakertown**  
 Township Richland  
 County **Bucks**  
 Responsible Official Scott C. McElree  
 35 North Third Street  
 Quakertown, PA 18951  
 Type of Facility PWS  
 Consulting Engineer CMX  
 200 State Highway  
 Manalapan, NJ 07726-0900  
 Application Received Date October 2, 2008  
 Description of Action Development of Well No. 9.

##### Application No. 0908514, Public Water Supply.

Applicant **Richland Township Water Authority**  
 Township Richland  
 County **Bucks**  
 Responsible Official Timothy Arnold  
 1328 California Road  
 Suite D  
 Quakertown, PA 18951  
 Type of Facility PWS  
 Consulting Engineer VanClef Engineering Associates  
 551 Main Street  
 Bethlehem, PA 18018  
 Application Received Date October 24, 2008  
 Description of Action Construct a public water supply well.

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

##### Application No. 4508505, Public Water Supply.

Applicant **Mountain Manor Inn and Golf Course**  
 Springfield Township  
**Monroe County**  
 Responsible Official John O'Leary  
 P. O. Box 95  
 Marshalls Creek, PA 18335  
 (570) 424-5372  
 Type of Facility Community Water System

Consulting Engineer John R. Ackerman, P. E.  
 Herbert, Rowland & Grubic, Inc.  
 104 Route 611  
 Suite 1  
 Bartonsville, PA 18321  
 (570) 629-7140

Application Received Date November 3, 2008

Description of Action Application for permitting the existing, unpermitted community water system serving the Mountain Manor development.

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

##### Permit No. 0408503, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**  
 1425 8th Avenue  
 P. O. Box 400  
 Beaver Falls, PA 15010  
 Township or Borough Eastvale Borough  
 Responsible Official James Riggio  
 General Manager  
 Beaver Falls Municipal Authority  
 1425 8th Avenue  
 P. O. Box 400  
 Beaver Falls, PA 15010

Type of Facility Water treatment plant

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

Application Received Date November 4, 2008

Description of Action Construction of a new raw water intake structure.

##### Permit No. 6507503A1, Public Water Supply.

Applicant **Latrobe Municipal Authority**  
 P. O. Box 88  
 Latrobe, PA 15650  
 Township or Borough City of Latrobe  
 Responsible Official Thomas Gray  
 Authority Manager  
 Latrobe Municipal Authority  
 P. O. Box 88  
 Latrobe, PA 15650

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 November 24, 2008

Description of Action Relocation of a lime feeder and changing from gas chlorination to liquid sodium hypochlorite.

**Permit No. 1108503**, Public Water Supply.  
 Applicant **Highland Sewer and Water Authority**  
 120 Tank Drive  
 Johnstown, PA 15904  
 Township or Borough Summerhill Township  
 Responsible Official Edward Englehart  
 Manager  
 Highland Sewer and Water Authority  
 120 Tank Drive  
 Johnstown, PA 15904  
 Type of Facility Water treatment plant  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501  
 Application Received Date October 30, 2008  
 Description of Action Modification of the existing  
 mechanical flocculation process.

**Permit No. 5608506**, Public Water Supply.  
 Applicant **Ligonier Laurel Transfer, LLC**  
 151 West Main Street  
 Somerset, PA 15501  
 Township or Borough Jenners Township  
 Responsible Official Tyson Cook, Member  
 Ligonier Laurel Transfer, LLC  
 151 West Main Street  
 Somerset, PA 15501  
 Type of Facility Laurel Mountain Village  
 Consulting Engineer CJL Engineering  
 416 Main Street  
 Suite 200  
 Johnstown, PA 15901  
 Application Received Date October 9, 2008  
 Description of Action Well, addition of sodium  
 hypochlorite system,  
 polyphosphate sequestering  
 system and 2,000 gallon water  
 storage tank.

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

**Application No. 2008502**, Public Water Supply.  
 Applicant **JBT Petro, Inc., d/b/a  
 Countryside Mobile Home  
 Park**  
 Township or Borough East Fairfield Township  
**Crawford County**  
 Responsible Official Toby A. Kopta  
 President  
 Consulting Engineer Steven R. Halmi, P. E.  
 Deiss & Halmi Engineering, Inc.  
 105 Meadville Street  
 Edinboro, PA 16412  
 Application Received Date November 26, 2008

Description of Action Permitting existing system  
 including Wells No. 1 and 2,  
 disinfection and distribution.

#### MINOR AMENDMENT

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

**Application No. 3506502MA, Minor Amendment,**  
 Public Water Supply.

Applicant **PA American Water**  
 Archbald Borough  
**Lackawanna County**  
 Responsible Official David R. Kaufman  
 VP Engineering  
 PA Am Water  
 800 Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Community Water System  
 Consulting Engineer Richard B. Kresge, Jr., P. E.  
 Quad 3 Group, Inc.  
 37 North Washington Street  
 Wilkes-Barre, PA 18701  
 (570) 829-4200  
 Application Received Date November 18, 2008  
 Description of Action Application for construction of a  
 300,000 gallon elevated finished  
 water storage tank.

**Application No. 5203503MA, Minor Amendment,**  
 Public Water Supply.

Applicant **PA American Water**  
 Lehman Township  
**Pike County**  
 Responsible Official David R. Kaufman  
 VP Engineering  
 PA AM Water  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Community Water System  
 Consulting Engineer Daniel G. Rickard, P. E.  
 PA AM Water  
 100 North Pennsylvania Avenue  
 Wilkes-Barre, PA 18701  
 (570) 830-6531  
 Application Received Date November 7, 2008  
 Description of Action Application for replacement of a  
 chlorine contact tank with an  
 oversized section of conveyance  
 line.

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

**Application No. 0208515MA, Minor Amendment.**

Applicant **Pennsylvania American  
 Water Company**  
 800 West Hersheypark Drive  
 P. O. Box 888  
 Hershey, PA 17033  
 Township or Borough Mt. Pleasant Township

Responsible Official	David Kaufman Vice-President Engineer Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033
Type of Facility	Water storage tank
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	October 22, 2008
Description of Action	Construction of a water storage tank in Mt. Pleasant Township, Washington County.

### WATER ALLOCATIONS

#### Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

**WA56-1005**, Water Allocations, **Municipal Authority of the Borough of Berlin**, 700 North Street, Berlin, PA 15530, **Somerset County**. The applicant is requesting the right to withdraw a combined total of 100,000 gallons of water per day from four springs.

**WA2-1013**, Water Allocations, **Reserve Township Municipal Waterworks**, 33 Lonsdale Street, Pittsburgh, PA 15212, **Allegheny County**. The applicant is requesting the right to purchase 600,000 gallons of water per day from the Pittsburgh Water and Sewer Authority.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**The Bethlehem Club** (520 North New Street), Bethlehem City, **Northampton County**. Elizabeth Schamberger, Moonstone Properties, LLC, 1150 Glenlivet Drive, Suite C-31, Allentown, PA 18106 has submitted a Notice of Intent to Remediate (on behalf of her client, The Bethlehem Club, c/o TJ McHale Co., 528 North New Street, Bethlehem, PA 18018), concerning the remediation of soils found to have been impacted by No. 2 Fuel Oil as a result of an accidental release from the piping of an out-of-service underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is not known at this time. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Meska Lewis Residence**, Swatara Township, **Dauphin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Meska Lewis, 6746 Huntingdon Street, Harrisburg, PA 17111, submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The site will continue to be used for residential purposes and will be remediated to the Residential Statewide Health Standard.

**FES Systems, Inc.**, Manchester Township, **York County**. Earth Data Northeast, 924 Springdale Drive, Exton, PA 19341, on behalf of FES Systems, Inc., 3475 Board Road, York, PA 17406, submitted a Notice of Intent to Remediate groundwater and soil contaminated with chlorinated solvents. The site will continue to be used as a refrigeration equipment manufacturing and servicing facility, and will be remediated to a combination of the Nonresidential Statewide Health and Site-Specific Standards.

**Ames True Temper, Camp Hill**, Hampden Township, **Cumberland County**. Bradburne, Briller, and Johnson, LLC, 1641 Saw Mill Run Boulevard, Pittsburgh, PA 15210-3433, on behalf of Ames True Temper, 465 Railroad Avenue, Camp Hill, PA 17011, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Site-Specific Standard and will remain a commercial facility.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Application received under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101–6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

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

**Permit Application No. PAD049791098. Sunoco, Inc. (R&M), Philadelphia Refinery**, 3144 West Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. This permit application is for the 10 year renewal of Sunoco's RCRA Part B permit for their Philadelphia Refinery, Girard Point Processing Area; in addition to, modifications to the existing permit that include: consolidation of the management and/or storage of hazardous wastes at the facility under one permit, deregulation of four previously permitted bulk above ground storage tanks, and permitting of an existing container storage pad. The application was received by the Southeast Regional Office on November 26, 2008.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit No. WMGR096NE002. Marjol Battery Site, Gould Electronics**, 34929 Curtis Boulevard, Eastlake, OH 44095-4001. A General Permit Determination of Applicability application submitted under General Permit No. WMRG096 for the beneficial use of regulated fill as a construction material at the Marjol Battery Site located in Throop Borough, **Lackawanna County**. The Determination of Applicability application was received in the Regional Office on November 10, 2008, and was deemed administratively complete on November 24, 2008.

Persons interested in reviewing the general permit may contact William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

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

**Permit Application No. 101290. Waste Management of Pennsylvania, Inc.**, 3605 Grays Ferry Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. This minor permit modification application is to allow the conversion of the existing compactor building at the Philadelphia Transfer Station and Recycling Center into a transfer point for single stream recyclables. The application was received by the Southeast Regional Office on November 21, 2008.

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

**York County Solid Waste and Refuse Authority**, Manchester Township, **York County**. Permit No. 400561 submitted an application to increase their daily volume from 1,344 tpd to 1,944 tpd at their Resource Recovery Facility on August 30, 2007. A Local Municipal Involvement Process meeting was held on November 19, 2008, at which point the application was considered received. The Department, applicant and Manchester Township negotiated the Department of Environmental Protection review time frame of 365 days. The application was considered administratively complete on November 24, 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 the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

**18-00026A: First Quality Products, Inc.** (P. O. Box 331, McElhattan, PA 17748) for construction of an adult underpad production line and associated air cleaning devices (drum filter, cartridge filter and HEPA filter) in Wayne Township, **Clinton County**.

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

**32-00055F: Homer City OL 1** (1750 Power Plant Road, Homer City, PA 15748) for installation of auxiliary boiler at Homer City Station OL 1 in Center Township, **Indiana County**.

**26-00583: Chestnut Ridge Storage, LLC** (10000 Memorial Drive, Suite 200, Houston, TX 77024) for construction of natural gas storage and compression facility in Springhill Township, **Fayette County**.

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

**25-069M: BASF Catalysts, LLC** (1729 East Avenue, Erie, PA 16503) for installation of a replacement dust collector associated with a nickel catalyst reactor and screener at their facility in the City of Erie, **Erie County**.

**25-326A: Foamex International** (466 South Shady Avenue, Corry, PA 16407) for installation of a foam surface coating operation at their facility in the City of Corry, **Erie County**. This is a Title V facility.

**37-290E: Ferrotech Corp.** (1 Front Street, Irvine, PA 16329) for installation of a collection hood and baghouse to control emissions from torch cutting operations at their facility in the City of New Castle, **Lawrence County**.

**62-032E: Ellwood National Forge** (1 Front Street, Irvine, PA 16329) for modification of natural gas usage and production throughput restrictions at their facility in Brokenstraw Township, **Warren County**. This is a Title V facility.

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

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

**22-05047B: Dura-Bond, LLC** (2716 South Front Street, Steelton, PA 17133) to replace two existing small baghouses with one larger baghouse, in Steelton Borough, **Dauphin County**. This baghouse controls the cleaning operation for the inside diameter of pipes prior to coating. The facility's emissions from this operation will be less than 1 tpy of PM. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources 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.*

**65-00982B: T.W. Phillips Gas and Oil Co.** (205 North Main Street, Butler, PA 16001-4998) for construction of additional air contamination sources consisting of a natural gas-fired compressor engine and glycol dehydrator with a natural gas-fired reboiler for the purpose of natural gas compression at the Rubright Compressor Station, in Bell Township, **Westmoreland County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue a Plan Approval PA-65-00982B to allow the construction of additional air contamination sources consisting of a natural gas-fired compressor engine and glycol dehydrator with a natural gas-fired reboiler for the purpose of natural gas compression at the Rubright Compressor Station, located in Bell Township, Westmoreland County.

Emissions from the facility are estimated to be 49.06 tons of NO<sub>x</sub>, 46.28 tons of CO, 13.54 tons of VOCs and 6.10 tons of Formaldehyde, a single HAP, per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code, Chapter 127, related to construction, modification, reactivation and operation of sources, and also to 40 CFR Part 60, Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

*Special Conditions*

1. This Plan Approval is to allow the construction and operation of additional air contamination sources by T.W. Phillips Gas and Oil Co. at their Rubright Compressor Station located in Bell Township, Westmoreland County (25 Pa. Code § 127.12b).

2. Air contamination sources at the Facility are as follows (25 Pa. Code § 127.12b):

- One Caterpillar Natural Gas Compressor Engine, Model No. G3516 LE, 1,265 bhp at 1,400 rpm, S.N. 4EK03129.
- One Caterpillar Natural Gas Compressor Engine, Model No. G3516 LE, 1,265 bhp at 1,400 rpm, S.N. (to be determined).
- Two Hanover Tri-Ethylene Glycol Dehydrators, Model No. 200M, 0.2 mmBtu/hr, (uncontrolled).

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

4. Air contamination sources at the Facility shall be operated and maintained in accordance with the manufacturer's specifications (25 Pa. Code § 127.12b).

5. The Owner/Operator may 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 of the property of the Facility (25 Pa. Code § 123.31).

6. Visible emissions from compressor engine stacks shall not be permitted in excess of the following levels (25 Pa. Code § 127.12b):

- Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
- Equal to or greater than 30% at any time.

7. Visible emissions from all air contamination source stacks excluding compressor engine stacks shall not be permitted in excess of the following levels (25 Pa. Code § 123.41):

- Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.
- Equal to or greater than 60% at any time.

8. Emissions from either compressor engine shall be less than or equal to the following levels (25 Pa. Code § 127.12b):

<i>Pollutant</i>	<i>Emission Limit (g/bhp-hr)</i>
NOx	2.0
CO	2.0

9. Performance testing shall be conducted as follows (25 Pa. Code §§ 127.12b and 139.11):

a. Stack testing for NOx and CO shall be performed on the internal combustion engine manufactured after January 1, 2008, in accordance with 25 Pa. Code § 139 within 180 days after the completion of construction. A Department-approved portable analyzer may be used in lieu of initial stack testing.

b. Within 12-months after the initial stack testing, and annually thereafter, the Owner/Operator shall perform NOx emissions tests upon each compressor engine at the Facility using a Department-approved portable analyzer or other means as approved by the Department.

c. The Owner/Operator shall submit three copies of a pre-test protocol to the Department for review at least 45 days prior to the performance of any EPA reference

method stack test. The Owner/Operator shall submit three copies of a one-time protocol to the Department for review for the use of a portable analyzer and may repeat portable analyzer testing without additional protocol approvals provided that the same method and equipment are used. All proposed performance test methods shall be identified in the pre-test protocol and approved by the Department prior to testing.

d. The Owner/Operator shall notify the Regional Air Quality Manager at least 15 days prior to any performance test so that an observer may be present at the time of the test. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

e. Under 40 CFR Part 60.8(a), 40 CFR Part 61.13(f) and 40 CFR Part 63.7(g) a complete test report shall be submitted to the Department no later than 60 calendar days after completion of the onsite testing portion of an emission test program. For those tests being conducted pursuant to 40 CFR Part 61, a complete test report shall be submitted within 31 days after completion of the test.

f. Under 25 Pa. Code § 139.53(b) a complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or noncompliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:

1. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.
2. Permit numbers and conditions which are the basis for the evaluation.
3. Summary of results with respect to each applicable permit condition.
4. Statement of compliance or noncompliance with each applicable permit condition.

g. Under 25 Pa. Code § 139.3 to all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

h. All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department.

i. Under 25 Pa. Code § 139.53(a)(1) and (3) all submittals, besides notifications, shall be accomplished through PSIMS\*Online available through [www.depgreenport.state.pa.us/ecommm/Login.jsp](http://www.depgreenport.state.pa.us/ecommm/Login.jsp) when it becomes available. If internet submittal can not be accomplished, three copies of the submittal shall be sent to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor, Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks.

j. The permittee shall insure all Federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between State and the Federal, the most stringent provision, term, condition, method or rule shall be used by default.

10. The Owner/Operator shall maintain the following comprehensive and accurate records (25 Pa. Code § 127.12b):

- The number of hours of operation per calendar year that each air contamination source operated.
- The amount of fuel used per calendar year by each air contamination source.
- Records including a description of testing methods, results, all engine operating data collected during tests, and a copy of the calculations performed to determine compliance with emission standards for each internal combustion engine.
- Copies of the report that demonstrates that the engines were operating at rated bhp and speed conditions during performance testing.
- Records of a maintenance plan and any conducted maintenance on the compressor engines.
- The dehydrator VOC emissions using GRI-GLYCalc or an alternative method approved by the Department.
- Records of actual throughput per day and the glycol circulation rate for each dehydrator.

11. All logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

12. The compressor engine manufactured after January 1, 2008, with serial number to be determined, is subject to New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines (40 CFR Part 60, Subpart JJJJ). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications regarding the second engine shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted.

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

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

13. 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 (25 Pa. Code § 127.12b).

14. 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 a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval (25 Pa. Code § 127.12b).

15. 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. The 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).

#### *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).

2. The issuance of this plan approval does not prevent the future adoption by the 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 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.

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 to facilitate the shakedown 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 requirements; 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 180 days.

e. The notice submitted by the permittee under subpart a previously, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

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.

5. 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 a of this condition.

a. 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.

6. 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.

a. 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:

1. A justification for the extension,
2. 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.

b. 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 (related to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted.

7. 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.

a. 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.

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

8. 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.

a. 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.

b. 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 section 114 or other applicable provisions 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.

10. 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.

11. 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.

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

Regional Air Program Manager  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

13. 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.

14. A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the appli-

cation and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. 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.

The comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Alan Binder at (412) 442-4168.

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

**25-996B: Advanced Finishing, USA** (7401 Klier Drive East, Fairview Business Park, Fairview, PA 16506) for construction of an additional coating booth in Fairview Township, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- Subject to 25 Pa. Code § 123.13.

- No person may permit the emission into the outdoor atmosphere of VOC in a manner that the emission rate exceeds 12.0 tpy based on a consecutive 12-month period for both coating booths.

- Subject to 25 Pa. Code § 129.52.

- The permittee shall maintain a record of all preventive maintenance inspections of the control devices. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects and any routine maintenance performed.

- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems or manual log entries):

- Pressure drop across the control.

- The permittee shall perform a daily operational inspection of the control device.

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the control device.

- The gauges employed by the permittee to monitor the required control device operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within +/- 2% of full scale reading.

- Control device operating parameters, pressure drop, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**43-036B: Hodge Foundry, Inc.** (42 Leech Road, Greenville, PA 16125) for construction of the New High Bay building and installation of related new equipment; the relocation of existing equipment; the construction of casting pits in the Main Bay; the installation of new product finishing equipment and some related projects to support operations after the completion of initial construction. This project will allow the facility to increase the melt production to 37,000 tpy of charged metal in Hempfield Township, **Mercer County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate BAT for the source:

- Source 101 Existing Shotblast Room, Source 217 Mechanical Sand Reclamation System, Source 218 Core making Station, Source 220 Blast Booth (new) and Source 221 Wire Inoculation Station:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of filterable PM (FPM) in a manner that the concentration of FPM in the effluent gas exceeds 0.02 gr/dscf.

- Stack test for FPM initially and at facility operating permit renewal.

- The permittee shall maintain a record of all preventive maintenance inspections of the control devices. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems or manual log entries):

- Pressure differential—daily defined as at least once every calendar day.

- The permittee shall perform a daily operational inspection of the control device.

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the control device.

- The gauges employed by the permittee to monitor the required control device operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within +/- 2% of full scale reading.

- Control device operating parameters, pressure drop, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- Source 219 Heat Treat Oven:

- Subject to 25 Pa. Code §§ 123.11 and 123.22 for particulate and sulfur emissions respectively.

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**62-032D: Ellwood National Steel** (1 Front Street, Irvine, PA 16329) for installation of two annealing furnaces at their facility in Brokenstraw Township, **Warren County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 62-032D to Ellwood National Steel for the installation and operation of two annealing furnaces at the company's facility located at 1 Front Street, Brokenstraw Township, **Warren County**. The facility currently has a Title V Permit No. 62-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 62-032D is for installation of one 18.0 mmBtu/hr and one 13.3 mmBtu/hr capacity annealing furnace. Based on the information provided by the applicant and the Department's own analysis, the proposed sources will emit 11.52 tons of CO per year, 10.30 tons of NOx per year, 1.04 tons of PM per year, all of which will be PM2.5, 0.75 ton of VOCs per year and 0.08 ton of SOx per year. This installation will not increase the facility's current emissions limits, as the proposed units

will share a throughput restriction of 140,000 MCF of natural gas per year with the facility's four existing annealing furnaces.

The Plan Approval will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all 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 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340.

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. 62-032D.

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 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.

## 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.

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

**05-05021: Hill & Smith Holdings, Inc., d/b/a Creative Pultrusions, Inc.** (214 Industrial Lane, Alum Bank, PA 15521-8304) for pultrusion, surface coating and chrome plating operations at their facility in West St. Clair Township, **Bedford County**. The facility is subject to 40 CFR Part 63, Subpart WWWW, National Emission Standards for HAPs; Reinforced Plastic Composites Production; Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks; and Subpart PPPP, National Emission Standards for HAPs for Surface Coating of Plastic Parts and Products. The primary pollutants are VOCs and HAPs. The operating permit will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. This is a renewal of a Title V Operating Permit issued in October 2003.

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

**42-00028: Saint Gobain Containers, LLC** (One Glass Place, Port Allegany, PA 16743) for the re-issuance of a Title V Permit to operate a glass containers manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources include two natural gas fired glass melting furnaces No. 1 and No. 3, hot end treatment, mold swab, power house and office building boilers, miscellaneous natural gas usage, cold cleaning parts washer, conditioning/forming/finishing lines and emergency generator. The facility is a major facility due to its potential to emit of NOx and SOx. The facility is not subject to CAM plan because the furnaces have no control devices and the other precontrolled emission of criteria pollutants are less than Title V threshold limits. The facility is also subject to 40 CFR Part 63, Subpart SSSSSS—National Emission Standards for HAPs for Glass Manufacturing Area Sources. The applicable requirements have been included in the permit during this renewal.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**15-00061: Phoenixville Hospital** (140 Nutt Road, Phoenixville, PA 19460) for operation of boilers and emergency generators at their hospital in Phoenixville Borough, **Chester County**. The renewal permit is for a non-Title V (State-only) facility. The facility has elected to cap their NOx and SOx emissions to Minor Source threshold levels to remain a Synthetic Minor. The renewal permit includes one new source, Source ID 105, two Ethylene Oxide Sterilizers. The source is of minor significance, according to 25 Pa. Code § 127.14(a)(8) and (b) because potential VOC emissions are less than 1 tpy. The source is subject to the work practice standard and reporting requirement of 40 CFR Part 63 Subpart WW—National Emission Standards for Hospital Ethylene Oxide Sterilizers (the facility is an area source for HAPs). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the hospital 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) 826-2507.*

**40-00076: Wilkes-Barre Materials, LLC** (500 Chase Road, Shavertown, PA 18708) for operation of a batch asphalt plant and crushing operation and associated air cleaning devices at their facility in Plains Township, **Luzerne County**. This facility is currently operating under Operating Permits 40-303-012A, 40-310-037C and 40-303-026. All permit requirements shall be included in the new State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**39-00041: Greenwood Cemetery Assoc.** (2010 Chew Street, Allentown, PA 18104) for operation of a funeral service and crematory facility in Allentown City, **Lehigh County**. This is a State-only Natural Minor operating permit.

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

**36-05032: Versatek Enterprises, LLC** (508 Front Street, Lititz, PA 17543) for operation of their display furniture and fixture manufacturing facility in Lititz Borough, **Lancaster County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2001.

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

**12-00012: Quality Compacted Metals, Inc.** (214 South Broad Street, Emporium, PA 15834) for operation of a sintered metal parts manufacturing facility in Emporium Borough, **Cameron County**.

The facility incorporates two electric powdered metal parts sintering furnaces, a rust inhibitor dip coating operation, two .12 mmBtu/hr natural gas-fired space heaters and an aqueous parts washer.

The facility has the potential to emit up to 15.0 tons of VOCs, 1.03 tons of PM/PM10, .14 ton of NOx and .12 ton of CO per year.

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

The Department of Environmental Protection (Department) proposes to issue a State-only Operating Permit to Quality Compacted Metals, Inc. authorizing the operation of this facility. The Department proposes to incorporate into this operating permit conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions contained in Plan Approval 12-399-018, issued on January 2, 2008, and conditions established as requirements of a plan approval exemption determination made by the Department on August 1, 2005, for one of the facility's sintering furnaces.

The conditions previously contained in Plan Approval 12-399-018 include:

1. A condition limiting the VOC and VHAP emissions from the facility's rust inhibitor dip coating operation to no more than 15 tons and zero tons, respectively, in any 12-consecutive month period.
2. A condition prohibiting the solution used in the dip tanks incorporated in the facility's rust inhibitor dip coating operation from containing any VHAPs and limiting its vapor pressure to a maximum of .53 millimeter of mercury at 68° F.
3. A condition prohibiting the onsite addition of any additives to the solution used in the dip tanks incorporated in the facility's rust inhibitor dip coating operation.
4. Conditions prohibiting the heating of the dip tanks incorporated in the facility's rust inhibitor dip coating operation, requiring the tanks to be covered at all times except when parts are being dipped or drained or when solution is being added to, or removed from, the tanks, prohibiting anything but sintered metal parts from being processed in the tanks, prohibiting the processing of hot or warm parts in the tanks, requiring all parts to be drained for at least 15 seconds after being dipped in the tanks or for as long as it takes for the dripping of liquid

from the parts to cease and prohibiting any fans from being located such that they blow across the top of the tanks.

5. Conditions requiring the maintenance, and annual submission, of records of the identity, quantity, vapor pressure, VOC content and VHAP of each rust inhibitor or other VOC-containing material added to the dip tanks incorporated in the facility's rust inhibitor dip coating operation each month.

The conditions previously established as requirements of a plan approval exemption determination made by the Department for one of the facility's two sintering furnaces include:

6. Conditions requiring the furnace to be equipped with a flame curtain located between the parts entry and preheat zone, requiring the furnace atmosphere to contain at least 3% hydrogen, prohibiting the furnace from processing parts containing more than .75%, by weight, organic lubricant and prohibiting the furnace from processing parts which have been treated with oil.

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

7. A condition limiting the fuel used in the facility's two space heaters to natural gas.

8. Conditions requiring the facility's second sintering furnace to be equipped with a flame curtain located between the parts entry and preheat zone, requiring the furnace atmosphere to contain at least 3% hydrogen, prohibiting the furnace from processing parts containing more than .75%, by weight, organic lubricant and prohibiting the furnace from processing parts which have been treated with oil.

9. Conditions limiting the PM emissions from the facility's two sintering furnaces to no more than .15 pph when processing parts containing metal-bearing lubricants.

10. Conditions prohibiting the processing of parts through the facility's two sintering furnaces which contain any metal-bearing lubricant other than zinc stearate or lithium stearate as well as the processing of parts which contain both zinc stearate and lithium stearate.

11. Conditions limiting the fuel used in the flame curtains incorporated in the facility's two sintering furnaces to natural gas.

12. Conditions requiring the maintenance of records of the organic lubricant content, zinc stearate content and lithium stearate content of all parts processed through the facility's two sintering furnaces, the identity and content of any other lubricant used in the parts processed through the furnaces and such data as is necessary to demonstrate that the PM emissions from the furnaces did not exceed .15 pph when parts containing metal-bearing lubricants were processed through the furnaces.

13. A condition prohibiting the use, in the facility's parts washer, of any solvent or solution with a VOC content greater than 5%.

14. A condition requiring the maintenance of records of the identity of the solvent or solution used in the facility's parts washer.

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

**04-00502: Shasta, Inc.** (300 Steel Street, Aliquippa, PA 15001-5416) for operation of a fabricated structural metal grinding operation at their plant in Aliquippa City, **Beaver County**. This is a renewal of the State-only operating permit issued in 2004 and amended in 2006.

**32-00102: Homer Center School District** (65 Wildcat Lane, Homer City, PA 15748) for operation of boilers used to provide heat and hot water at the junior/senior high school in Homer City Borough, **Indiana County**. This is a renewal of the State-only operating permit issued in 2003.

**56-00154: George E. Mason Funeral Home** (P. O. Box 409, Davidsville, PA 15928-0409) for operation of a crematory furnace at their facility in Conemaugh Township, **Somerset County**. This is a renewal of the State-only operating permit issued in 2004.

**65-00711: Airtek, Inc.** (76 Clair Street, North Huntingdon, PA 15642-9311) to operate a natural gas fired heat cleaning oven equipped with an afterburner at their facility in North Huntingdon Township, **Westmoreland County**. This is a renewal of the State-only operating permit issued in 2004.

**03-00148: Altmeyer Farm & Stable** (119 Altmeyer Drive, Kittanning, PA 16201) for operation of animal crematory in Plumcreek Township, **Armstrong County**. This is a renewal of the State-only operating permit issued in 2004.

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

**27-00008: Industrial Timber & Lumber Co. (ITL)—Endeavor Lumber Plant** (Route 666, Endeavor, PA 16322) a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of: 23.4 mmBtu/hr woodfired boiler, two 750 mmBtu/hr wood boilers, two trim saws, 15 wood drying kilns and a sawdust collection system in Hickory Township, **Forest County**.

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

**S01-001: The Purolite Co.** (3620 G Street, Philadelphia, PA 19134) for operation of an ion exchange manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one 4.2 mmBtu/hr boiler, two 8.4 mmBtu/hr boilers, a polymerization process (includes a Carrier Dryer, a Witte Dryer with a baghouse, a Fitzpatrick Dryer, an Aeromatic Dryer, a monomer tank that vents to a carbon adsorption unit and two reactors with a Perry Products Condenser), a sulfonation process, two 40,000-gallon wastewater equalization tanks, a 11,000-gallon styrene storage tank, copolymer fugitives and copolymer wastewater.

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

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are



based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

### 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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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 address of the district mining office indicated above each 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 86.31-34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; 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, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the 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 desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in

conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must 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 or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 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: 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 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.*

**03961301 and NPDES Permit No. PA03961301, Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Tracy Lynne Mine in Kiskiminetas and Parks Townships, **Armstrong County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 3013.6, Subsidence Control Plan Acres Proposed 3013.6. No additional discharges. Application received October 17, 2008.

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

**32030102 and NPDES No. PA0249386. Alverda Enterprises, Inc.,** P. O. Box 87, Alverda, PA 15710, permit renewal for reclamation only of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 12.2 acres. Receiving streams: UNTs to West Branch of Richards Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 20, 2008.

**11830102 and NPDES No. PA0607550. M. B. Energy, Inc.,** 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine and treatment of a post-mining discharge in Lower Yoder Township, **Cambria County**, affecting 166.3 acres. Receiving stream: UNT to St. Clair Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 20, 2008.

**17724026 and NPDES No. PA0608904. E. P. Bender Coal Company, Inc.,** P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in White and Beccaria Townships, **Cambria County**, affecting 145.5 acres. Receiving streams: UNT to Witmer Run and UNT to Beaverdam Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 17, 2008.

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

**26080103 and NPDES Permit No. PA0251402. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Application received for commencement, operation and reclamation of a bituminous surface mining site located in Wharton Township, **Fayette County**, affecting 94.1 acres. Receiving streams: UNTs to Mill Run and UNTs to McIntyre Run, classified for the following uses: HQ, CWF. The first downstream potable water supply intake is greater than 10 miles from the point of discharge. Application received November 1, 2008.

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

**10030101 and NPDES Permit No. PA0242331. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of an existing bituminous surface strip, auger and coal ash placement operation in Venango Township, **Butler County** affecting 108.0 acres. Receiving streams: UNT 2 to Seaton Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 21, 2008.

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

**14080103 and NPDES No. PA0256994. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface and auger mine in Rush Township, **Centre County**, affecting 101.0 acres. Receiving streams: Moshannon Creek and Mountain Branch, classified for the following uses: TSF and CWF. There are no potable water supply intakes within 10 miles downstream. The new coal permit application includes a stream encroachment to utilize an existing private road and existing well-developed stream crossing within 100 feet of Moshannon Creek. Application received November 12, 2008.

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

**54980102R2. Triple T Mining Co., LP,** (332 North Center Street, Frackville, PA 17931), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 140.0 acres, receiving stream: none. Application received November 20, 2008.

**54840202T2. Penn Equipment Corp.,** (15 Main Street, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation from Blaschak Coal Corp. in Branch Township, **Schuylkill County** affecting 50.0 acres, receiving stream: none. Application received November 24, 2008.

**54910205T2. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation from Blaschak Coal Corp. in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: none. Application received November 24, 2008.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids			
Alkalinity exceeding acidity* pH*	10 to 35 mg/l	20 to 70 mg/l greater than 6.0; less than 9.0	25 to 90 mg/l

\* The parameter is applicable at all times.

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

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

**13930301C4 and NPDES Permit No. PA0595829. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County**, receiving stream: Stony Creek, classified as EV. Application received November 25, 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 Floodplain 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**

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

**E45-532. Pavel Belenkiy and Lina Yamnizki**, 44 Tall Oaks Court, Old Bridge, NJ 08857, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.39 acre of wetlands for the purpose of constructing a single-family dwelling, garage and driveway within the Arrowhead Lake Subdivision, Lot 9, Block A-109, Section 5. The project is located on the north side of Lakeshore Drive, approximately 0.76 mile south of the intersection of SR 4003 and Arrowhead Drive (Thornhurst, PA Quadrangle Latitude: 41° 09' 47"; Longitude: 75° 34' 59").

**E48-400. Monocacy Creek Watershed Association**, 1555 Bustard Road, Suite 100, Kulpsville, PA 19443, in City of Bethlehem, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain various water obstructions and encroachments within the Monocacy Creek and its floodway/floodplain associated within the Monocacy Creek Restoration Project. The project is located from Illick's Mill Road crossing to a point approximately 1,100 feet upstream (Catasauqua, PA Quadrangle Latitude: 40° 38' 16"; Longitude: 75° 22' 25").

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

**E18-436. 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. Beaverdam Run Road over the Right Fork Beaverdam Run, in Leidy and East

Keating Townships, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Hammersley Fork, PA Quadrangle N: 41° 26' 16.0"; W: 77° 58' 15.5").

To construct and maintain three cast-in-place, reinforced concrete, rigid frame culverts to eliminate vehicles fording the Right Fork of Beaverdam Run. The south concrete culvert will have a span of 16.0-feet, underclearance of 2.2-feet, on a skew of 30°. The middle concrete culvert will have a span of 16.0-feet, underclearance of 2.2-feet, on a skew of 55°. The north concrete culvert will have a span of 16.0-feet, underclearance of 2.2-feet, on a skew of 77°. The projects will impact a total of 640 linear feet of waterway. The projects are located 3.5 miles north on Beaverdam Road in the Right Fork of Beaverdam Run, East Keating and Leidy Townships, Clinton County. This project proposes to impact 640 linear feet of the Right Fork of Beaverdam Run, which is designated an EV-CWF and does not propose to impact any jurisdictional wetlands.

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

**E3074(717) A1. Cumberland Coal Resources**, P. O. Box 1020, Waynesburg, PA 15370. To construct riverbank stabilization in Monongahela Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Masontown, PA Quadrangle N: 14.25 inches; W: 6.75 inches, Latitude: 39° 49' 42"; Longitude: 79° 55' 23"). The applicant proposes to construct and maintain a 480 foot long river bank stabilization project along the west bank of the Monongahela River (WWF). The stabilization includes coarse aggregate and R 6 rip-rap. The project is located at the Cumberland Harbor Facilities downstream of Grays Landing locks and dam.

**E11-335. Robert Woloschuk**, 317 Park Hill Drive, Park Hill, PA 15945. To remove 38' from upstream portion of a diameter in East Taylor Township, **Cambria County**, United States Army Corps of Engineers, Pittsburgh District (Geistown, PA Quadrangle N: 20.1";

W: 17.3", Latitude: 40° 21' 46"; Longitude: 78° 52' 26"). The applicant proposes to remove 38' from the upstream portion of a 36" diameter stream enclosure, and to operate and maintain the remaining 99' of the 36" stream enclosure on a UNT to the Little Conemaugh River (CWF). The project is located approximately 225' west of SR 271, approximately 1 mile southeast of Hinckston Dam.

**E63-612. Cocca Development, LTD**, 100 DeBartolo Place, Suite 400, Boardman, OH 44512-6099. To construct stream bank protection and maintain fill in floodway in Donegal Township and Claysville Borough, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Claysville, PA Quadrangle N: 21.5 inches; W: 4.5 inches, Latitude: 40° 07' 06"; Longitude: 80° 24' 26").

The applicant proposes to construct and maintain stream bank protection (right bank) and to place and maintain fill for a length of 300 feet in the floodway of Dutch Fork (HQ-WWF) for the purpose of building a retail store. Also, to construct and maintain an outfall structure in said stream. The project is located at the corner of SR 40 and Mill Street.

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-011. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry and Washington Townships, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 7,300 linear feet of dangerous highwall. The project will include the backfilling of 0.64 acre of PEM wetland and 1.30 acres of open water that have developed within the open surface mine pits. Proposed mitigation includes 2.25 acres of wetland and 2.6 acres of open water (West Sunbury, PA Quadrangle N: 12.0 inches; W: 2.0 inches).

## ACTIONS

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each

general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0070254 (Minor Sewage)	Lynn Township Sewer Authority P. O. Box 208 New Tripoli, PA 18066	Lehigh County Lynn Township	Ontelaunee Creek 3B	Y
PA0063843 (Industrial)	Municipal Authority of the Borough of Milford 120 Pear Alley P. O. Box 459 Milford, PA 18337	Pike County Milford Township	Vantine Brook 1D	Y
PA0029050 (Minor Sewage)	Pine Forest Camps, Inc. 151 Washington Lane Jenkintown, PA 19046	Lackawaxen Township Pike County	Lake Greeley 01D	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>
PA0246948 (CAFO)	Brian D. Eckman 357 Black Barren Road Peach Bottom, PA 17563	Lancaster County Fulton Township	Little Conowingo Creek 7-K	Y
PA0082147 (SEW)	Irvin Peifer Holtwood Mobile Home Park P. O. Box 506 Elizabethtown, PA 17022	Lancaster County Martic Township	Susquehanna River 7-K	Y
PA0083429 (SEW)	West Cocalico Township Authority P. O. Box 95 Reinholds, PA 17569-0095	Lancaster County West Cocalico Township	Little Cocalico Creek 7-J	Y
PA0010201 (IW)	David Lewis Columbia Water Company 220 Locust Street P. O. Box 350 Columbia, PA 17512	Lancaster County Columbia Borough	Susquehanna River 7-G	Y
PA0247197 (IW)	Charlotte Katzenmoyer City of Lancaster 120 North Duke Street Lancaster, PA 17608	Lancaster County Lancaster City	Conestoga River 7-J	Y

<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>
PA0086860 (SEW)	Springfield Township York County Sewer Authority P. O. Box 75 Seven Valleys, PA 17360	York County Springfield Township	UNT East Branch Conestoga River 7-H	Y
PA0040541 (SEW)	Boyertown Area School District—Earl Elementary School 911 Montgomery Avenue Boyertown, PA 19512-9607	Berks County Earl Township	UNT Oysterville Creek 3-D	Y
PA0085871 (IW)	Mount Joy Borough Authority—Carmany Road Water Treatment Plant P. O. Box 25 Mount Joy, PA 17552	Lancaster County East Donegal Township	UNT Donegal Springs 7-G	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>
PA0103136	Woodhaven Mobile Home Park 136 Pine Leaf Drive Erie, PA 16510	Greene Township Erie County	UNT to Six Mile Creek 15-6M	Y

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

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

**NPDES Permit No. PA0260126**, Sewage, **HAMM Equities, LLC**, Buffalo Crossing Development STP, 1002 Monroe Boulevard, King of Prussia, PA 19406. This proposed facility is located in Howe Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 12-B.

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

**NPDES Permit No. PA0096369-A1**, Sewage, **Patrick J. DiCesare**, 116 East Pittsburgh Street, Greensburg, PA 15601. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for increasing discharge rate from 0.006 mgd to 0.02 mgd.

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

**NPDES Permit No. PA0026617**, Sewage, **Mark A. Marcucci, d/b/a Remark Estates Mobile Home Park**, 26 Kirkland Road, West Middlesex, PA 16158. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a new permit for an existing discharge of treated sewage.

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

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

**WQM Permit No. WQG012226**, Sewerage, **Lehigh Gap Nature Center/Wildlife Information Center**, P. O. Box 198, Slatington, PA 18080. This proposed facility is located in Washington Township, **Lehigh County**.

Description of Proposed Action/Activity: This project is for construction of a small flow treatment facility with a projected flow of 1,800 gpd due to expansion of an existing building at the Nature Center.

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

**WQM Permit No. 21080402**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: Upgrade of Pump Station 2 with new pumps increasing capacity and addition of emergency generator; replacement of Pump Station 13 increasing capacity.

**WQM Permit No. 0508402**, Sewerage, **Troy and Lisa Dively**, P. O. Box 10, Claysburg, PA 16625. This proposed facility is located in Kimmel Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: a 1,000 gallon septic tank, a dosing tank with pump, a 600-square foot subsurface sand filter and chlorine tank to serve their single-family residence.

**WQM Permit No. WQG02360803**, 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 Vintage Road Pump Station.

**WQM Permit No. 2170402, Amendment 08-1**, Sewerage, **Lemoyne Municipal Authority**, 3 Lowther Street, Lemoyne, PA 17403-2039. This proposed facility is located in Lemoyne Borough, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: 195' of relocated 12" force main upstream of MH-191, 362' of relocated 12" sewer from MH-140A in Hummel Avenue to MH-243 in new 30" interceptor and 2,853' of 30" interceptor from MH-246 along Norfolk Southern property to MH-230 at STP (Lower Trunk Interceptor).

**WQM Permit No. 2108402**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of: Upgrade of Pump Station 2 with new pumps increasing capacity and addition of emergency generator; replacement of Pump Station 13 increasing capacity.

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

**WQM Permit No. WQG018655**, Sewerage, **Matthew J. Gatenby**, 9680 Fry Road, McKean, PA 16426-1709. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewage Treatment Plant.

**WQM Permit No. 2588403**, Sewerage, **Amendment No. 2, Albion Borough**, 26 Smock Avenue, Albion, PA 16401. This proposed facility is located in Albion Borough, **Erie County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewage wastewater facilities consisting of a dechlorination system for the plant effluent and an organic rerating of the waterwater treatment plant.

**WQM Permit No. WQG018659**, Sewerage, **David A. Parmenter**, 297 Kraus Drive, Erie, PA 16511. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewage Treatment Plant.

**WQM Permit No. WQG018658**, Sewerage, **Steven C. and Christine L. Volstad**, 13151 Fry Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of 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>
PAS10-G527-R	Toll Brothers, Inc. Orleans Homebuilders, Inc. K. Hovanian, Inc. 1180 Station Boulevard Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Tributary to Pickering Creek HQ
PAS10-G543-R	Valley View Development Corporation 75 Medinah Drive Reading, PA 19607	Chester	East Coventry Township	UNT Pigeon Creek HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025203005R	Woodloch Pines, Inc. 2 Woodloch Springs Hawley, PA 18428	Pike	Lackawaxen Township	Tributary to Teedyuskung Creek HQ-CWF, MF
PAI023908006	Castle Dev. Group, LTD 310 Schoolhouse Road Suite 1 Souderton, PA 18964	Lehigh and Bucks	Upper Saucon, Lower Milford, Springfield and Milford Townships	Tributary to Tohicken Creek CWF Unami Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(3)	Ian Salada Penn State East Campus Penn State University 113 Office of Physical Plant University Park, PA 16802	Centre	College Township State College Borough	Slab Cabin CWF Thompson Run HQ-CWF Spring Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water 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

##### Facility Location:

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Garden Township Chester County	PAG200 1508006	PR New Garden Limited/Chesco Limited Partnership 200 South Broad Street Philadelphia, PA 19102	Broad Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Oxford Township Chester County	PAG200 1508027	Wilmer L. Hostetter 481 Limestone Road Oxford, PA 19363	Muddy Run and Luch Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Thornbury Township Chester County	PAG200 1508040	Robert Gleichirt 1120 Chesten Lane Quincinstown, MD 21658	UNT Radley Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Township Delaware County	PAG200 2308025	Calvary Chapel of Delaware County, Inc. 708 South Middletown Road Media, PA 19063	Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Luzerne County	PAG2004008005	Tower 80/81, LLC Attn: Jon Schiavo 680 Kinderkamack Road River Edge, NJ 07661	Tributary to Nescopeck Creek CWF	Luzerne County Conservation District (570) 674-7991
Carbon Township Huntingdon County	PAG2003108010	Gracie Angelo Shoup's Run Watershed Association 976 Dudley Road Six Mile Run, PA 16679	Shoup's Run WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Womelsdorf Borough Berks County	PAG2000608030	William Semko Womelsdorf Management County 113 Intervilla Avenue West Lawn, PA 19609	Tulpehocken Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Conewago and Penn Townships Hanover Borough Adams and York Counties	PAG2000108010	Bruce Rebert Borough of Hanover 44 Frederick Street Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Elizabeth Borough Lancaster County	PAG2003608068	Elizabethtown Area Water Authority 5 Municipal Drive Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003608074	Lancaster County Solid Waste Management Authority 1299 Harrisburg Pike Box 4425 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 334-0636
East Cocalico Township Lancaster County	PAG2003608077	Kasun Development 2938 Columbia Avenue Lancaster, PA 17603	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 334-0636
Upper Leacock Township Lancaster County	PAG2003608078	Larry Frey L&T Homes Again, LLP 2441 New Holland Pike Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 334-0636
Hamburg Borough Tilden Township Berks County	PAG2000608065	Gerald Fry Department of Transportation Engineering District 5-0 1002 Hamilton Boulevard Allentown, PA 18101	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

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

Wyomissing  
Borough  
Berks County

PAG2000603058-R

Mike Jeffers  
Kinsley Construction  
2700 Water Street  
York, PA 17403

Schuylkill River  
CWF

Berks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201

Derry Township  
Dauphin County

PAG2002208039

George Cvijic  
20 Erford Road  
Lemoyne, PA 17043

Spring Creek  
WWF

Dauphin County  
Conservation District  
1451 Peters Mountain  
Road  
Dauphin, PA 17018  
(717) 921-8100

Derry Township  
Dauphin County

PAG2002208035

Thomas DeDonatis  
DeDo Corporation  
345 Elm Avenue  
Hershey, PA 17033

Swatara Creek  
WWF

Dauphin County  
Conservation District  
1451 Peters Mountain  
Road  
Dauphin, PA 17018  
(717) 921-8100

Susquehanna  
Township  
Dauphin County

PAG2002208036

Richard Bowen  
Templar Development,  
LLC  
3 Gateway Center  
Pittsburgh, PA 15222

Paxton Creek  
WWF

Dauphin County  
Conservation District  
1451 Peters Mountain  
Road  
Dauphin, PA 17018  
(717) 921-8100

Centre County  
Potter Township

PAG2001408017

Scott Burk  
Scott's Landscaping  
110 Maple Drive  
Centre Hall, PA 16828

UNT to Spring Creek  
CWF

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

Lycoming County  
City of Williamsport

PAG2004108006

Jeff Stover—SEDA-COG  
Rail Transfer Facility  
201 Furnace Road  
Lewisburg, PA 17837

Fox Hollow  
WWF

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

Greene County  
Dunkard Township

PAG2003008012

Trans-Allegheny  
Interstate Line Co.  
800 Cabin Hill Drive  
Room B202  
Greensburg, PA 15601

Dooley Run and Dunkard  
Creek  
WWF

Greene County  
Conservation District  
(724) 852-5278

Butler County  
Cranberry Township

PAG2001008024

Greg Black  
Pennwood Commons,  
LLC  
Benedum Trees Building  
Suite 800  
223 Fourth Avenue  
Pittsburgh, PA 15222

Brush Creek  
WWF

Butler County  
Conservation District  
(724) 284-5270

Erie County  
McKean Township

PAG2002508026

McKean Township  
Golden Road  
Reconstruction  
9231 Edinboro Road  
P. O. Box 62  
McKean, PA 16426-0062

Lamson Run  
CWF; MF

Erie County Conservation  
District  
(814) 825-6403

NOTICES

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*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Fayette County  
Menallen Township

PAG2092608004

Bureau of Abandoned  
Mine Reclamation  
Cambria Office  
286 Industrial Park Road  
Ebensburg, PA  
15931-4119

Redstone Creek  
WWF

Department of  
Environmental Protection  
Cambria Office  
286 Industrial Park Road  
Ebensburg, PA  
15931-4119  
(814) 472-1800

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

East Allen Township  
Northampton  
County

PAR202251

Effort Foundry, Inc.  
6980 Chrisphalt Drive  
Bath, PA 18014

Discharges to retention  
basin

DEP—NERO  
Water Management  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-2511  
(570) 826-2511

North Whitehall  
Township  
Lehigh County

PAR602244

Buckman Iron & Metal,  
Inc.  
3980 Portland Street  
Coplay, PA 18037

Coplay Creek  
CWF

DEP—NERO  
Water Management  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-2511  
(570) 826-2511

Cumberland County  
Silver Spring  
Township

PAR803714

IBM Corporation  
North Castle Drive  
Armonk, NY 10504

Hogestown Run  
CWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Franklin County  
Antrim and  
Montgomery  
Townships

PAR403501

Waste Management  
Disposal Services of PA,  
Inc.  
9446 Letzburg Road  
Greencastle, PA 17225

UNT Conococheague  
Creek  
WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Berks County  
Muhlenberg  
Township

PAR233543

Air Liquids Industrial  
U.S., LP  
P. O. Box 13577  
Reading, PA 19605

Schuylkill River  
WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Dauphin County  
Derry Township

PAR123521

The Hershey Company  
H.B. Reese Candy  
Company  
925 Reese Avenue  
Hershey, PA 17033-0430

Spring Creek  
WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Bedford County  
Snake Spring  
Township

PAR803715

Bedford Valley Petroleum  
Corporation—Everett  
Bulk Petroleum Storage  
Plant  
10228 Lincoln Highway  
Everett, PA 15537

UNT Raystown Branch  
Juniata River  
CWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Concord Township Delaware County	PAG040018	John and Melissa Skinner 22 Jeremiah Collett Road Glen Mills, PA 19342	UNT to West Branch Chester Creek Watershed 3G	Department of Environmental Protection Southeast Regional Office 2 East Main Street Norristown, PA 19401
Washington Township Lehigh County	PAG042226	Lehigh Gap Nature Center Wildlife Information Center P. O. Box 198 Slatington, PA 18080	Lehigh River TSF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Gallitzin Township Cambria County	PAG046130	Tony Wojtarowicz 151 Horseshoe Curve Road Ashville, PA 16613	UNT to Glen White Run Storm Ditch	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lower Burrell City Westmoreland County	PAG046193	Donald A. Gathers 428 Spiering Drive Lower Burrell, PA 15068	UNT to Chartiers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Marshall Township Allegheny County	PAG046178	Dennis Delmonaco and Margaret Dismukes 365 Locust Road Baden, PA 15005	UNT of Big Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
McKean Township Erie County	PAG049470	Matthew J. Gatenby 9680 Fry Road McKean, PA 16426-1709	UNT to Elk Creek 16-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG049474	David A. Parmenter 297 Kraus Drive Erie, PA 16511	UNT to Lake Erie 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG049473	Steven C. and Christine L. Volstad 13151 Fry Road Edinboro, PA 16412	UNT to Boles Run 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Barry Township Schuylkill County and Hegins Township Schuylkill County	PAG08-2201 PAG08-2203 PAG07-0003 PAG08-0008 PAG08-3501 PAG08-0002 PAG08-3535 PAG08-3551 PAG08-3517 PAG08-9903 PAG08-3596 PAG08-3510 PAG08-2211 PAG08-3506 PAG08-3522 PAG08-3515 PAG08-3502 PAG08-9904 PAG08-3547 PAG08-0006 PAG08-3540 PABIG-9903 PAG08-3547 PAG08-3600 PAG08-3565 PAG07-3508 PAG07-0005 PAG08-0003 PAG08-3825 PAG08-3542 PAG08-0004 PAG08-3518 PAG08-9905 PAG08-3556 PAG08-0018 PAG08-3573 PAG08-3597	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Robert Scheib Farm 605 Deep Creek Road Hegins, PA 17983	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lake Township Luzerne County	PAG09-2212	Steve Rogers 1398 SR 29 Hunlock Creek, PA 18621	Rogers Farm 1050 Loyalville Outlet Road Lake Township Luzerne County	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*General Permit Type—PAG-12*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Juniata County Fayette Township	PAG123672	Jay Finkbiner R. R. 1 Box 2975 McAlisterville, PA 17049	Kishacoquillas—Jacks Creek 12-A	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR**  
**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**ACTIONS—NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**  
**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Stephen Haas Haas Farms 15 Haas Road Klingerstown, PA 17941	Schuylkill	1,343.2	757.3	Layers	N/A	Approved
Mt. Pleasant Farms 2071 Mt. Pleasant Road Fayetteville, PA 17222	Franklin	540.0	435.45	Dairy	NA	Approved— 11/10/2008
Leshner's Poultry 1153 Swamp Fox Road Chambersburg, PA 17202	Franklin	2,024.4	1,044.4	Poultry	NA	Approved— 11/10/2008
Burk Lea Farms 3099 Grand Point Road Chambersburg, PA 17202	Franklin	1,179.6	1,809.15	Dairy	NA	Approved— 11/10/2008

**PUBLIC WATER SUPPLY (PWS)**  
**PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 2308505**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Marple

County **Delaware**

Type of Facility PWS

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

Permit to Construct Issued November 6, 2008

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

**Permit No. 3480050**, Operations Permit, Public Water Supply.

Applicant **Easton Suburban Water Authority**  
3700 Hartley Avenue  
Easton, PA 18045

City of Easton

County **Northampton**

Type of Facility PWS

Consulting Engineer Dennis W. Silbaugh, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106

Permit to Operate Issued November 6, 2008

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

**Permit No. 1806501—Operation**, Public Water Supply.

Applicant **Chapman Township Water Authority**

Township or Borough Chapman Township

County **Clinton**

Responsible Official Richard Eliason, Chairperson  
Chapman Township Water Authority  
P. O. Box 433  
North Bend, PA 17760

Type of Facility Public Water Supply—Operation

Consulting Engineer K. Alan Uhler, Jr., P. E., PLS  
Kerry A. Uhler & Associates  
140 West High Street  
Bellefonte, PA 16823

Permit Issued Date November 26, 2008

Description of Action Operation of the transmission line and booster pump station to convey finished water from the Renovo Borough water system to Chapman Township Water Authority.

**Permit No. 5507501—Operation**, Public Water Supply.

Applicant **Aqua PA, Inc.—Monroe Marketplace Tank**

Township or Borough Monroe Township

County **Snyder**

Responsible Official Patrick R. Burke, Regional Manager  
Aqua Pennsylvania, Inc.  
204 East Sunbury Street  
Shamokin, PA 17872

Type of Facility Public Water Supply—Operation

Consulting Engineer William LaDieu  
CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit Issued Date December 1, 2008

Description of Action Operation of the finished water storage tank at the Monroe Marketplace.

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

**Permit No. 0208508**, Public Water Supply.

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

Borough or Township Franklin Park Borough and Neville Township

County **Allegheny**

Type of Facility Franklin Park Pump Station

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

Permit to Construct Issued November 18, 2008

**Permit No. 5608505**, Public Water Supply.

Applicant **Somerset Township Municipal Authority**  
2209 North Center Avenue  
Somerset, PA 15501

Borough or Township Somerset Township

County **Somerset**

Type of Facility Connection between STMA Friedens and Somerset County General Authority

Consulting Engineer Somerset Planning and Engineering Services, LLC  
222 West Main Street  
Suite 100  
Somerset, PA 15501

Permit to Construct November 17, 2008  
Issued

**Operations Permit issued to Municipal Authority of the Township of Robinson.** P. O. Box 15539, Pittsburgh, PA 15244, (PWSID No. 5020045) Robinson Township, **Allegheny County** on November 17, 2008, for the operation of facilities approved under Construction Permit No. 0207501MA.

**Operations Permit issued to Pennsylvania American Water Company,** 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039) South Strabane Township, **Washington County** on November 17, 2008, for the operation of facilities approved under Construction Permit No. 6306503.

**Permit No. 3208503MA, Minor Amendment,** Public Water Supply.

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

Borough or Township Pine Township  
County **Indiana**

Type of Facility Strongstown water tank and waterline extension.

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

Permit to Construct November 17, 2008  
Issued

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

**Operations Permit issued to Aqua Pennsylvania, Inc.,** PWSID No. 6430054, for Emlenton Borough, **Venango County**, on November 26, 2008, for the emergency use of bulk water transport to deliver finished water to customers in Emlenton Borough. Water source is Aqua PA Shenango Valley Division; Aqua PA will act as sole hauler for this project, for a duration not to exceed 90 days while Aqua corrects system deficiencies within the Emlenton Borough Water Treatment Plant.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Scott Township	R. R. 1 Box 432D Olyphant, PA 18447	Lackawanna

*Plan Description:* This Plan Revision, as outlined in the Executive Summary of the Plan, provides for replacement of the previously approved hybrid gravity/low pressure wastewater collection and conveyance system and pump stations with a low pressure system and associated pump stations. The project service area, interceptor sewer and discharge point (the Lackawanna River Basin Sewer Authority's Wastewater Treatment Plant) remains the same as in the Township's Act 537 Sewage Facilities Plan Revision, as prepared by KBA Engineering in 2002. The initial projected number of equivalent dwelling units (EDU's) to be served by the project is 1,390, up to an ultimate number of 1,660 EDU's over the project design period, with an associated flow per EDU value of 270 gpd. 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.

*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>
Upper Leacock Township	P. O. Box 325 Leola, PA 17540	Lancaster

*Plan Description:* The approved plan for Bradley Estates provides for extension of sewer service to 13 fee simple town homes generating 4,550 gpd in sewage flows tributary to a proposed pump station and force mains to be dedicated to the Leola Sewer Authority. Sewage will then flow to Lancaster Area Sewer Authority system pump stations and then to the City of Lancaster's North pump stations and wastewater treatment facility. The proposed development is located at the intersection of Route 23, New Holland Pike and Forest Hill Road The ID number for this plan revision is A3-36954-167-3 and the APS number is 656191. 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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethel Township	P. O. Box 24 Bethel, PA 19507	Berks

*Plan Description:* The approved plan provides for a proposed one lot industrial development to generate a total of 16,310 gallons of sewage per day to be served by a proposed public pump station and force main tributary to the Village of Bethel Sewage Treatment Plant. The plan revision Department of Environmental Protection (Department) number is A3-06922-266-3. The Department'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>
City of St. Mary's	11 Lafayette Street St. Mary's, PA 15857	Elk

*Plan Description:* The approved plan provides for the installation of a 500 gpd small flow treatment facility to serve a proposed four bedroom residence along Route 255. The facility will discharge treated wastewater to a UNT of Water Tank Run (CWF). Department of Environmental Protection Code No. K6-08-024.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mount Joy Township	159 Merts Drive Elizabethtown, PA 17022	Lancaster

*Plan Description:* The Scott Ober proposed plan revision for one residential lot using an onlot sewage system plus a residue lot, was disapproved because the well drilled on the property for the preliminary hydrogeologic study failed to provide a sample of the shallow groundwater. The water sample derived from the well does not accurately characterize the conditions found in the shallow groundwater. The property is located near the northeast corner of the intersection of Cloverleaf and Milton Grove Roads in Mount Joy Township, Lancaster County. The Department of Environmental Protection number is B3-36942-329-2 and the APS ID number is 620560.

## 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Unison Engine Components, Inc.—Truform**, 1141 Highway 315, Plains Township, **Luzerne County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, Unison Engine Components, Inc., 701 Crestwood Drive, Mountaintop, PA 18707), concerning the remediation of soils found to have been impacted by hydraulic oil as a result of an accidental release. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in *The Citizens' Voice* on November 17, 2008.

**Sheppie Property**, 21 R-Own Lake, Hamilton Township, **Monroe County**. Sherry M. Carlo, P. G., United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Final Report on behalf of her client, Robert Sheppie, 21 R-Own Lake, Stroudsburg, PA 18360, concerning the remediation of soils and surface waters found to have been impacted by kerosene heating oil as a result of an accidental release from a leaking aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in the *Pocono Record* on November 10, 2008.

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

**Corning Frequency Control Plant 1**, Mount Holly Springs Borough, **Cumberland County**. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-03-079, Corning, NY 14831, submitted a Final Report concerning remediation

tion of site soils contaminated with solvents. Groundwater will be addressed in a separate report. The site is being remediated to a combination of Nonresidential Statewide Health Standard.

**Meska Lewis Residence**, Swatara Township, **Dauphin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Meska Lewis, 6746 Huntingdon Street, Harrisburg, PA 17111, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**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).**

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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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Clearfield Former MGP Site**, Clearfield Borough, **Clearfield County**. The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of PPL Electric Utilities Corp., 2 North 9th Street, GENTW17, Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with polycyclic aromatic hydrocarbons (PAHs) and benzene, toluene, ethylbenzene and xylenes (BTEX). The report was approved by the Department of Environmental Protection on November 25, 2008.

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

**Ave Maria St. Marys**, 65 Ave Maria, City of St. Marys, **Elk County**. Insite Group, Inc., 611 South Irvin Avenue, Sharon, PA 16146 on behalf of J. M. Hamlin and Sara Johnson, 65 Ave Maria, St. Marys, PA 15857 has submitted a Final Report concerning the remediation of site soil contaminated with Cadmium. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 24, 2008.

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**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

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

#### Hazardous Waste Action

Proposed action on a permit renewal application under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste disposal facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department of Environmental Protection will make a final determination regarding the proposed permit and bond actions. Notice of this determination will be

published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Intent to Renew Permit*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. PAD987270725, Siemens Water Technologies**, 118 Park Road, Darlington, PA 16115. Storage and treatment (thermal regeneration) of residual and hazardous waste activated carbon and other waste sorbents. Permit renewal was considered for intent to approve by the Regional Office on November 24, 2008.

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

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

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

**Permit No. 101168. Bethayres Reclamation Corporation Landfill**, 2310 Terwood Drive, Huntingdon Valley, PA 19006-6029. This permit modification is for a reduction in permit area and in groundwater sampling frequency at the Bethayres Reclamation Corporation Landfill located in Lower Moreland Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on November 20, 2008.

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

**Permit Application No. 30002. Bangor Quarry Ash Disposal Site**, Reliant Energy Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317. A Permit Renewal approval for the continued operation of this Class II Residual Waste Landfill, which is permitted to accept and manage coal ash generated by the Portland Power Plant and is located in Bangor Borough, **Northampton County**. The permit was issued by the Regional Office on December 3, 2008, with an expiration date of December 3, 2018.

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

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

**Permit No. 301285. Schuylkill Yankee Realty**, 61st and Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia. Permittee owns and operates a waste oil processing and transfer facility (a/k/a Yankee Point Terminal) under Solid Waste Permit No. 301285. For reason of unlawful conduct, the pending renewal and modification applications have been denied, the permit has been revoked and the bond associated with the permit has been declared forfeited. These actions were taken by the Southeast Regional Office on November 26, 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.**

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

**GP1-67-03123: Triumph Apparel Corp.** (305 North State Street, York, PA 17403) on November 25, 2008, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in the City of York, **York County**. This is a renewal of the GP1 permit.

**GP3-06-05092E: Haines & Kibblehouse, Inc.** (P. O. Box 196, Lucon Road, Skippack, PA 19474) on November 21, 2008, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Cumru Township, **Berks County**.

**GP9-06-05092E: Haines & Kibbehouse, Inc.** (P. O. Box 196, Lucon Road, Skippack, PA 19474) on November 21, 2008, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in Cumru Township, **Berks County**.

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

**GP5-32-00355B: The Peoples Natural Gas Co.** (501 Martindale Street, Suite 500, Pittsburgh, PA 15212-5835) on November 21, 2008, received authorization under GP5 to construct and operate a dehydrator unit with thermal oxidizer control at the Egly Compressor Station, in Conemaugh Township, **Indiana County**.

**GP5-32-00399: Atlas Pipeline Pennsylvania, LLC** (1550 Coraopolis Heights Road, Suite 2, P. O. Box 611, Moon Township, PA 15108-0611) on November 26, 2008, received authorization under GP-5 to install and operate a natural gas production facility at the Clyde Compressor Station in East Wheatfield Township, **Indiana County**.

**GP5-65-00923A: Dominion Transmission, Inc.** (501 Martindale Street, Suite 500, Pittsburgh, PA 15212-5835) on November 25, 2008, received authorization under GP-5 to install and operate a natural gas production facility at their Latrobe Compressor Station in Unity Township, **Westmoreland 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.**

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

**10-001N: AK Steel Corp.—Butler Plant** (Main Street- Standard Avenue, Butler, PA 16003) on November 21, 2008, to modify their No. 26 Carlite unit (increasing line speed and installation of low NOx burners) in Butler City, **Butler County**. This is a Title V facility.

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

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

**46-0026D: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) on December 1, 2008, to operate the installation of a W&H flexographic printing press in Upper Providence, **Montgomery County**.

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

**55-399-006A: Apex Homes, Inc.** (247 US Highway 522, Middleburg, PA 17842) on November 26, 2008, to extend the authorization to operate a modular home manufacturing operation on a temporary basis until May 25, 2009, in Middlecreek Township, **Snyder County**.

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

**65-00982A: T.W. Phillips Gas and Oil Co.** (205 North Main Street, Butler, PA 16001) on November 25, 2008, to allow issuance of a second plan approval that will combine all air contamination sources at their Rubright Compressor Station in Bell Township, **Westmoreland County**. The plan approval has been extended.

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

**06-05063: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545-0443) on November 20, 2008, to modify their mold making operation by constructing a third mold making machine controlled by a wetted packed bed scrubber in Boyertown Borough, **Berks County**. This Title V operating permit has been administratively amended to incorporate plan approval 06-05063C. This is Revision No. 2.

**67-05023: American Color Graphics** (215 North Zarfoss Drive, York, PA 17404-5800) on November 19, 2008, to operate a commercial printing facility in West Manchester Township, **York County**. This is a renewal of the Title V operating permit.

**67-05114: BAE Systems Land & Armaments, LP** (P. O. Box 15512, York, PA 17405-1512) on November 21, 2008, to operate their armored military vehicle manufacturing/refurbishing facility in West Manchester Township, **York County**.

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

**20-00035: Molded Fiber Glass Companies—Tray Company** (6175 US Highway 6, Linesville, PA 16424) on November 26, 2008, to issue a minor modification of this Title V Operating Permit to incorporate a new 1,000 ton press that was authorized through an RFD in Linesville Borough, **Crawford County**.

**24-00131: SGL Carbon Corp.—St. Marys Plant** (900 Theresia Street, P. O. Box 1030, St. Marys, PA 15857) on November 20, 2008, to re-issue the Title V Operating Permit to their carbon and graphite manufacturing facility in St. Marys Borough, **Elk County**. The permit is being re-issued for a new 5 year term.

**37-00264: Ellwood Quality Steels Co.** (400 Moravia Street, New Castle, PA 16101-3950) on November 24, 2008, to administratively amend the Title V Operating Permit to incorporate Plan Approval No. 37-264G for the increase of production in the Melt Shop, testing requirements for CO, NOx, VOC, SOx, PM and PM10 emissions for source 101 and clarification of sources 108 and 112 in the City of New Castle, **Lawrence County**.

**62-00012: Reliant Energy Mid-Atlantic Power Holdings LLC—Warren Station** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on November 21, 2008, for a minor modification to their facility's Title V Operating Permit in Conewango Township, **Warren County**. The facility is permitted to operate a combustion turbine. This modification is to add a condition to Section C (Site Level Requirements) that specifies that all sources for which an emission reduction credits application has been submitted, are permanently retired and prohibited from operation. These sources include 031 (Boiler 1), 032 (Boiler 2), 033 (Boiler 3), 034 (Boiler 4), 102 (Fugitive Dust: Haul Roads), 103 (Fugitive Dust: Coal Handling), 104 (Fugitive Dust: Ash Disposal) and 105 (Truck Auger Sampling System).

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

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

**21-05052: Valk Manufacturing Co.** (66 East Main Street, P. O. Box 428, New Kingstown, PA 17072-0428) on November 21, 2008, for a snow plow and blade manufacturing operation in Silver Spring Township, **Cumberland County**.

**21-05027: Gulf Oil, LP** (275 Washington Street, Suite 300, Newton, MA 02458-1646) on November 26, 2008, to operate a bulk petroleum product storage and loading facility at their Mechanicsburg Terminal in Hampden Township, **Cumberland County**. This is a renewal of the State-only operating permit.

**36-03107: Pennfield Corp.** (1088 East Main Street, Mount Joy, PA 17552-9332) on November 24, 2008, to operate a livestock feed plant in Mount Joy Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**56-00024: Somerset Foundry & Machine Co.** (P. O. Box 352, Somerset, PA 15501) on November 25, 2008, to operate a traditional iron job-shop small foundry producing iron castings for general industry in Somerset Township, **Somerset County**. Operations include melting, molding, mixing and preparing sand for molds, refining, casting iron as well as cleaning and grinding the casting.

**56-00153: Somerset Community Hospital** (225 South Center Avenue, Somerset, PA 15501-2088) on November 26, 2008, to operate three boilers, two emergency generators and ethylene oxide sterilizers at Somerset Hospital, in Somerset Borough, **Somerset County**. This is a renewal of the State-only permit issued in 2003.

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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.*

**15-00051: Allan A. Myers, LP—d/b/a Independence Construction Materials-Devault Asphalt Plant** (4042 State Road, Charlestown Township, PA 19432) on November 25, 2008, for their batch asphalt plant in Charlestown Township, **Chester County**. The State-only Natural Minor Operating Permit was modified to change the operating pressure drop range for the baghouse to 2 to 7 inches (w.g.). The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility 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.*

**21-05042: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104-1645) on November 19, 2008, to operate their hot mix batch asphalt plant (controlled by a knockout box/fabric collector) at their Silver Spring Quarry in Silver Spring Township, **Cumberland County**. This State-only operating permit was administratively amended to modify the proposed permit. This is Revision No. 2.

**36-05123: Corixa Corporation—d/b/a GlaxoSmithKline Biologicals, NA** (325 North Bridge Street, Marietta, PA 17547-1134) on November 21, 2008, to install an emergency generator at their biological manufacturing facility in East Donegal Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate plan approval 36-05123B and 36-05123C. This is Revision No. 1.

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

**04-00483: Quality Beams, Inc.** (P. O. Box 444, 119 AID Drive, Darlington, PA 16115-0444) on October 17, 2008, an administrative amendment to change the company's name, permit contact person and responsible official for the former Interforest Corp Darlington Facility in Darlington Township, **Beaver County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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**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).**

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### Coal Applications Returned

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

**04070101 and NPDES Permit No. PA0251208. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mining site located in North Sewickley Township, **Beaver County**, proposed to affect 151.7 acres is hereby denied. Receiving streams: Beaver River and UNTs to Beaver River. Application received July 31, 2007. Application denied November 17, 2008.

### Coal Permits Actions

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

**32823005 and NPDES No. PA0607231. Blairsville Associates, P. O. Box 157, Blairsville, PA 15717-0157,** permit renewal for reclamation only of a bituminous surface and auger mine in Burrell and West Wheatfield Townships, **Indiana County**, affecting 367 acres. Renewal is necessary due to treatment of a post-mining discharge. Receiving streams: UNT to Black Lick Creek and Palmers Run and UNTs to Roaring Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 28, 2008. Permit issued November 26, 2008.

**32970104 and NPDES No. PA0234401. Amfire Mining Company, LLC,** One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 87.2 acres. Receiving streams: UNTs of Little Mahoning Creek to Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2008. Permit issued December 1, 2008.

**11880201 and NPDES No. PA0598208. Ebensburg Power Company,** 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, permit renewal for reclamation only of a bituminous surface mine in Cambria

Township, **Cambria County**, affecting 56.5 acres. Receiving streams: UNT to South Branch Blacklick Creek, South Branch of Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2008. Permit issued December 1, 2008.

**32030109 and NPDES No. PA0249505. Amfire Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in White Township, **Indiana County**, affecting 81.6 acres. Receiving streams: Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2008. Permit issued December 1, 2008.

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

**63980101 and NPDES Permit No. PA0202151. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16528). Permit revised to add 4.7 acres of coal removal at an existing bituminous surface mining site located in Somerset Township, **Washington County**, now affecting 180.7 acres. Receiving streams: UNT to North Branch of Pigeon Creek. Application received July 29, 2008. Revised permit issued November 26, 2008.

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

**61970101 and NPDES Permit No. PA0227358. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip, limestone and shale removal operation to add 5.0 acres to the permit in Irwin Township, **Venango County**. Receiving streams: Four UNTs to Scrubgrass Creek. Application received February 25, 2008. Permit issued November 21, 2008.

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

**17070111 and NPDES No. PA0256579. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 370.0 acres. Receiving streams: Bald Hill Run and Surveyor Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 16, 2007. Permit issued November 19, 2008.

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

**49920102R3. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 1,016.0 acres, receiving stream: none. Application received September 17, 2008. Renewal issued November 25, 2008.

#### *Noncoal Applications Returned*

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

**37070304 and NPDES Permit No. PA0258504. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone, shale, sandstone, clay and lower Kittanning coal operation in Slippery Rock Township, **Lawrence County** affecting 79.1 acres. Receiving

Streams: UNT "A" to Slippery Rock Creek and Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Camp Allegheny and Pennsylvania American Ellwood City. Application received November 19, 2007. Application denied November 26, 2008.

#### *Noncoal Permits Actions*

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

**63082801. Arthur J. Boyle** (Box 400, Laughlintown, PA 15655). Permit issued for commencement, operation and reclamation of a small noncoal surface mining site (sandstone quarry) located in East Bethlehem Township, **Washington County**, affecting 5.0 acres. Receiving streams: UNT to Ten Mile Creek. Application received September 29, 2008. Permit issued November 25, 2008.

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

**09080301 and NPDES Permit No. PA0224642. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in Hilltown Township, **Bucks County** affecting 59.0 acres, receiving stream: UNT to Morris Run. Application received January 18, 2008. Permit issued November 24, 2008.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**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.**

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#### *Blasting Permits Actions*

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

**21084155. Douglas Explosives, Inc.**, P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for commercial development in Dickinson Township, **Cumberland County**. Blasting activity permit end date is June 20, 2009. Permit issued November 18, 2008.

**21084163. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for single dwelling development in Penn Township, **Cumberland County**. Blasting activity permit end date is November 17, 2009. Permit issued November 18, 2008.

**28084130. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for single dwelling development in Southampton Township, **Franklin County**. Blasting activity permit end date is November 17, 2009. Permit issued November 18, 2008.

**28084131. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Guilford Township, **Franklin County**. Blasting activity permit end date is November 30, 2009. Permit issued November 20, 2008.

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

**24084005. Tamburlin Brothers Coal Co.** (P. O. Box 128, Clearfield, PA 16830). Blasting activity permit to blast on GFCC 24-05-02 in Jay Township, **Elk County**. This blasting activity permit will expire on November 21, 2009. Application received November 20, 2008. Application issued November 21, 2008.

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

**38084130. Keystone Blasting Service,** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a milk processing plant in North Cornwall Township, **Lebanon County** with an expiration date of April 30, 2009. Permit issued November 20, 2008.

**36084117. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for City Mill Road Development in Lancaster Township, **Lancaster County** with an expiration date of November 18, 2009. Permit issued November 24, 2008.

**36084118. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Elizabeth Township Park in Elizabeth Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued November 24, 2008.

**35084126. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a residential development in Scott Township, **Lackawanna County** with an expiration date of January 31, 2009. Permit issued November 26, 2008.

**22084117. David H. Martin Excavating, Inc.,** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Bio Level 3 Agriculture Building in Susquehanna Township, **Dauphin County** with an expiration date of November 19, 2009. Permit issued November 30, 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.

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E21-404: Hampden Township Sewer Authority,** Steven S. Campbell, 230 South Sporting Hill Road, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing sewage pump stations and a house and then to construct and maintain: 1) a 21-foot by 10-foot Sewage Pump Station 2 and its associated 6-foot by 6-foot valve pit, a 8-foot by 6-foot wet well, a 4-foot diameter manhole, a 4-inch diameter force main and a 8-inch diameter influent lines; and 2) a 10-foot by 6-foot Sewage Pump Station 13 and its associated 6-foot by 6-foot valve pit, 8-foot by 6-foot wet well, two 4-foot diameter manholes, 4-inch diameter force main and a 8-inch diameter gravity main along the left bank floodplain of Conodoguinet Creek (WWF) to upgrade the pump stations located about 2,000.0 feet upstream of Orr's Bridge Road bridge (Lemoyne, PA Quadrangle N: 22.70 inches; W: 11.60 inches, Latitude: 40° 14' 58"; Longitude: 76° 57' 27", N: 21.80 inches; W: 11.20 inches, Latitude: 40° 14' 52"; Longitude: 76° 57' 20" respectively) in Hampden Township, Cumberland County.

**E06-640: Department of Transportation Engineering District 5-0,** 1713 Lehigh Street, Allentown, PA 18103, Greenwich, Perry and Richmond Townships, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To: (1) raze a bridge installed in 1998 as a temporary crossing of Maiden Creek for SR 0143 (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude 40° 31' 36"; Longitude: 75° 52' 28"); (2) raze the SR 0143 steel plate two-span girder bridge having a width of 18.0 feet, a

total span of 157.0 feet and an underclearance of 16.0 feet carrying SR 0143 over Maiden Creek until it was closed in 1998 (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude 40° 31' 36"; Longitude: 75° 52' 28"); and (3) construct and maintain a two-span steel girder bridge having a width of 43.4 feet, a total span of 180.0 feet and an underclearance of 11.5 feet at a location approximately 60 feet south of the confluence of Maiden and Sacony Creeks (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude 40° 31' 36"; Longitude: 75° 52' 28"). The purpose of this project is to replace the closed SR 0143, Section 01B bridge over Maiden Creek in Greenwich, Perry and Richmond Townships, Berks County. The project will result in 250.0 linear feet of temporary perennial stream impacts and 200.0 linear feet of permanent perennial stream impacts. The project will involve the installation of temporary cofferdams.

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

**E08-450. Department of Transportation, Engineering District 3-0**, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754. SR 3006 Bridge Replacement, in Monroe Township, **Bradford County**, United States Army Corps of Engineers, Baltimore District (Powell, PA Quadrangle N: 41° 40' 55"; W: 76° 30' 42").

To construct and maintain an 84.42 ft. clear span (80.29 ft. normal span) concrete adjacent box beam bridge, with a minimum underclearance of 4.20 ft. and a skew of 72°, carrying SR 3006 over Millstone Creek. The project will be located approximately 40 ft. downstream of the existing structure and will be placed on a new horizontal and vertical alignment. Millstone Creek is listed as a Class A Wild Trout stream and has verified trout reproduction. This project application is a standard joint permit application. This project proposes no impact to any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

**E12-168. Michael A. Songer**, 923 Sizerville Road, Emporium, PA 15834. L&M Lumber Company Building and Parking Expansion, Shippen Township, **Cameron County**, United States Army Corps of Engineers, Baltimore District (Emporium, PA Quadrangle Latitude: 41° 31' 12.52"; Longitude: 78° 12' 52.55").

The applicant proposes to modify, operate and maintain an existing commercial facility and its appurtenances that are located in the 100-year floodway of Sinnemahoning, Portage Creek. Modifications within the floodway shall be limited to constructing a 30-foot by 14-foot addition to the existing commercial building and expanding associated parking areas. The project is located along the western right-of-way of SR 0155 approximately 4,766-foot north of SR 0120 and SR 0155 intersection. This permit was issued under Section 105.13(e) "Small Projects."

**E14-511. Port Matilda Borough**, 400 West High Street, Port Matilda, PA 16870. Port Matilda Park, in Port Matilda Borough, **Centre County**, United States Army Corps of Engineers, Baltimore District (Port Matilda, PA Quadrangle Latitude: 40° 47' 51.25"; Longitude: 78° 30' 22.28").

To construct and maintain two pieces of manufactured children's play equipment, primarily made of multiple

pillars and platforms, over a 28-foot by 24-foot footprint in the right 100-year floodplain of Bald Eagle Creek located 75 feet west of the northwestern dugout of the Port Matilda Park ball field Port Matilda Borough, Centre County. This permit was issued under Section 105.13(e) "Small Projects."

**E18-434. M&T Bank**, 283 Hogan Boulevard, Mill Hall, PA 17751. M&T Bank and Parking Expansion, Bald Eagle Township, **Clinton County**, United States Army Corps of Engineers, Baltimore District (Mill Hall, PA Quadrangle Latitude: 41° 06' 53.4"; Longitude: 77° 28' 55.1").

The applicant proposes to modify and operate an existing commercial facility and its appurtenances that are located in the 100-year floodway of Fishing Creek. Modifications within the floodway shall be limited to removing an existing 90-square foot structure, constructing a 526-square addition to the existing commercial building and expanding existing paved parking areas. The project is located along the western right-of-way of SR 0150 (Hogan Boulevard) immediately south of the Country Club Lane and Hogan Boulevard intersection. This permit was issued under Section 105.13(e) "Small Projects."

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

**E02-301-A1. Pittsburgh Terminals Corporation**, P. O. Box 2621, Harrisburg, PA 17105. To construct a new mooring cell within the existing facility in Moon Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 4.8 inches; W: 6.8 inches, Latitude: 40° 31' 36"; Longitude: 80° 10' 27"). To amend Permit No. E02-301 to remove the existing mooring cell and to construct and maintain a new 10-foot diameter mooring cell near the existing cell, located at Mile Point 10.9 along the bank of the Ohio River (WWF). The time limit on this permit amendment has been extended to December 31, 2013.

**E02-584-A6 Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425, in Harrison Township, **Allegheny County**; and Allegheny Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to remove Allegheny River Mile Points 26.8 to 27.2 (Downstream beginning point: Freeport, PA Quadrangle N: 3.6 inches; W: 8.9 inches, Latitude: 40° 38' 42.31"; Longitude: 79° 41' 19.65". Upstream end point: Freeport, PA Quadrangle N: 4.5 inches; W: 9.0 inches, Latitude: 40° 39' 4.52"; Longitude: 79° 41' 24.75"), right descending bank in Harrison Township, Allegheny County and Allegheny River Mile Points 27.8 to 28.5 (Downstream beginning point: Freeport, PA Quadrangle N: 5.9 inches; W: 9.5 inches, Latitude: 40° 39' 28.06"; Longitude: 79° 41' 38.22". Upstream end point: Freeport, PA Quadrangle N: 7.6 inches; W: 9.6 inches, Latitude: 40° 40' 2.96"; Longitude: 79° 41' 37.54"), left and right descending banks in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County.



## Permit No. E02-584

## Attachment No. 1 Approved Dredging Areas by River Mile

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Allegheny	Allegheny	4	26.4 to 26.7 L	Allegheny Township Westmoreland County		January 18, 2011

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**E02-919-A6 Tri-State River Products, Inc.**, Box 218, 334 Insurance Street, Beaver, PA 15009, in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to remove Allegheny River Mile Points 26.8 to 27.2 (Downstream beginning point: Freeport, PA Quadrangle N: 3.6 inches; W: 8.9 inches, Latitude: 40° 38' 42.31"; Longitude: 79° 41' 19.65". Upstream end point: Freeport, PA Quadrangle N: 4.5 inches; W: 9.0 inches, Latitude: 40° 39' 4.52"; Longitude: 79° 41' 24.75"), right descending bank in Harrison Township, Allegheny County and Allegheny River Mile Points 27.8 to 28.5 (Downstream beginning point: Freeport, PA Quadrangle N: 5.9 inches; W: 9.5 inches, Latitude: 40° 39' 28.06"; Longitude: 79° 41' 38.22". Upstream end point: Freeport, PA Quadrangle N: 7.6 inches; W: 9.6 inches, Latitude: 40° 40' 2.96"; Longitude: 79° 41' 37.54"), left and right descending banks in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County.

## Permit No. E02-919

## Attachment No. 1 Approved Dredging Areas by River Mile

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Allegheny	Allegheny	4	26.4 to 26.7 L	Allegheny Township Westmoreland County		January 18, 2011

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**E02-1326-A6 Glacial Sand and Gravel Company**, P. O. Box 1022, Kittanning, PA 16201, in Harrison Township, Allegheny County, and Allegheny Township, Westmoreland County, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to remove Allegheny River Mile Points 26.8 to 27.2 (Downstream beginning point: Freeport, PA Quadrangle N: 3.6 inches; W: 8.9 inches, Latitude: 40° 38' 42.31"; Longitude: 79° 41' 19.65". Upstream end point: Freeport, PA Quadrangle N: 4.5 inches; W: 9.0 inches, Latitude: 40° 39' 4.52"; Longitude: 79° 41' 24.75"), right descending bank in Harrison Township, Allegheny County and Allegheny River Mile Points 27.8 to 28.5 (Downstream beginning point: Freeport, PA Quadrangle N: 5.9 inches; W: 9.5 inches, Latitude: 40° 39' 28.06"; Longitude: 79° 41' 38.22". Upstream end point: Freeport, PA Quadrangle N: 7.6 inches; W: 9.6 inches, Latitude: 40° 40' 2.96"; Longitude: 79° 41' 37.54"), left and right descending banks in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County.

## Permit No. E02-1326

## Attachment No. 1 Approved Dredging Areas by River Mile

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Allegheny	Allegheny	4	26.4 to 26.7 L	Allegheny Township Westmoreland County		January 18, 2011

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**E02-1570. Northern Holdings, LLC**, 125 Warrendale-Bayne Road, Suite 325, Warrendale, PA 15086-7570. To fill wetlands in McCandless Township, Allegheny County, United States Army Corps of Engineers, Pittsburgh District (Emsworth, PA Quadrangle N: 20.4 inches; W: 8.2 inches, Latitude: 40° 36' 45"; Longitude: 80° 03' 29"). To place and maintain fill in an existing stormwater detention basin and a 0.048 acre wetland that lies within the stormwater detention basin and adjacent to a UNT to Wexford Run (CWF) for the purpose of constructing the proposed North Meadows Office and Storage Buildings. The project is located on the north side of North Meadows Drive, just north from the intersection of North Meadows

and Forest Oaks Drives and will impact 0.048 acre of wetlands. The Department of Environmental Protection is not requiring mitigation, since the wetland is situated within a maintained stormwater detention basin (Chapter 105.12(a)(6)).

**E02-1585. Pennsylvania-American Water**, 300 Galley Road, McMurray, PA 15317. To construct a new water pump station in the City of Pittsburgh and Baldwin Borough, Allegheny County, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh East, PA Quadrangle N: 6.4 inches; W: 11.0 inches, Latitude: 40° 24' 37"; Longitude: 79° 57' 14"). To remove existing structures in and along the Monongahela River (WWF); to

construct and maintain a raw water intake structure consisting of two 60" passive screens and two 42" raw water intake pipes in the bank of Monongahela River; to operate and maintain the existing intake structure in the Monongahela River; to construct and maintain the new Becks Run Raw Water Pump Station located in the floodplain of the Monongahela River and Becks Run; to construct and maintain two Dolphins next to the new raw water intake in the Monongahela River and to construct and maintain a 36" discharge transmission main under Becks Run (WWF). The project is located near the intersection of East Carson Street and Becks Run Road in the City of Pittsburgh and Baldwin Borough.

**E26-351. Terry and Norma Shallenberger**, 2611 Memorial Boulevard, Connellsville, PA 15425. To construct a retaining wall in Bullskin Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (Connellsville, PA Quadrangle N: 7.6 inches; W: 10.7 inches, Latitude: 40° 2' 31" and Longitude: 79° 34' 35"). To construct and maintain a precast concrete block retaining wall approximately 50 feet long located along the right bank side of Mounts Creek (WWF) to protect the channel from erosion. The project is located in the northeast corner of the intersection of SR 119 and SR 1035 (Bellview Road).

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

**E10-445, Wells Reit II—Cranberry Woods Development Inc., Wells Real Estate Funds**, P. O. Box 926040, Norcross, GA 30010-6040. Westinghouse at Cranberry Woods Development in Cranberry Township, United States Army Corps of Engineers, Butler County, Pittsburgh District (Mars, PA Quadrangle N: 40° 40' 59"; W: 80° 05' 26").

To construct and maintain a two lane bituminous roadway, including a Contech Bebo clear span arch bridge that is 54 feet wide by 26.5 feet high to span over a UNT of Brush Creek approximately 1,500 feet east of the I79 228 intersection, in Cranberry Township, Butler County (Mars, PA Quadrangle N: 40° 40' 59"; W: 80° 05' 26").

**E10-449, AK Steel Corporation**, P. O. Box 832, Butler, PA 16003-0832. New Railroad Track to Tie into Existing Track at FAC in Butler Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Butler, PA Quadrangle N: 40° 49' 19.86"; W: 79° 56' 43.26").

To construct and maintain approximately 4,200 feet of new railroad track approximately 900 feet North of the intersection of McCalmont Road and SR 8 in Butler Township, Butler County (Butler, PA Quadrangle N: 40° 49' 19.86"; W: 79° 56' 43.26") consisting of the following activities in Rocklick Run:

1. the replacement of a 72-inch diameter, approximately 63.2-foot long corrugated steel pipe with a 72-inch diameter, approximately 156.92-foot long reinforced concrete pipe;
2. the extension of a 48-inch diameter, approximately 61.1-foot long corrugated steel overflow pipe to a length of approximately 135.5 feet;
3. the extension of a 48-inch diameter approximately 60.8-foot long corrugated steel overflow pipe to a length of approximately 131.13 feet;

4. invasive species removal and riparian plantings along both banks of a UNT to Connoquenessing Creek in downtown Butler as mitigation for proposed watercourse impacts; and

5. 0.01 acre of PEM/PSS wetland impact (de minimis).

**E20-571, Vantage Real Estate Investment Company, Ltd.**, 18282 Technology Drive, Suite 2, Meadville, PA 16335. Former Talon Building 7 Renovation, in the City of Meadville, Crawford County, United States Army Corps of Engineers, Pittsburgh District (Meadville, PA Quadrangle N: 41° 37' 39"; W: 80° 9' 13").

To construct and maintain a renovation of the former Talon No. 7 plant adjacent to and SE of the intersection of SR 322 and Linden Street including grading, building modifications and parking lot construction and involving a net removal of 330 cubic yards of material/earth from the FEMA floodway of French Creek. French Creek is a perennial stream classified as a WWF.

**E24-249, Department of Conservation and Natural Resources**, Bureau of Facility, Design and Construction, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8541. Bridge Over North Fork Straight Creek, in Jones Township, **Elk County**, United States Army Corps of Engineers, Pittsburgh District (Glen Hazel, PA Quadrangle N: 41° 35' 39"; W: 78° 30' 57").

To construct and maintain a single span prestressed concrete box beam bridge having a clear span of 38 feet and an average underclearance of 3.39 feet on a 90° skew across North Fork Straight Creek on Straight Creek Road approximately 200 feet upstream of the confluence of Straight and North Fork Straight Creeks.

**E43-343, Preferred Communities, Inc.**, P. O. Box 9, Canfield, OH 44406-0009. Settlers Walk Subdivision, in the City of Hermitage, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District (Sharpsville, PA Quadrangle N: 4.0 inches; W: 3.75 inches).

The applicant proposes to construct a residential subdivision consisting of 31 residential units, club house, swimming pool, associated roads, utilities and other infrastructure on Clarksville Road (Sharpsville, PA Quadrangle N: 4.0 inches; W: 3.75 inches) in the City of Hermitage, Mercer County approximately 0.7 mile SW of the intersection of SR 18 and SR 518 involving: 1) to fill 0.14 acre of PEM/PSS wetlands; 2) to construct and maintain 0.39 acre of wetland onsite; and 3) to impact (with fill and the construction of a stormwater detention basin) two watercourses (tributaries to Pine Hollow Run) with a drainage area of less than 100 acres having lengths of 358 feet and 170 feet respectively. The tributaries to Pine Hollow Run are intermittent streams classified as WWF. The project proposes to directly impact 0.14 acre of PEM/PSS wetlands and approximately 528 feet of watercourse.

**E43-346, Borough of Grove City**, P. O. Box 110, Grove City, PA 16127. Grove City Borough Sewage Treatment Plant Upgrade, in Grove City Borough, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh, PA Quadrangle N: 41° 08' 40"; W: 80° 05' 48").

The applicant proposes to construct an upgrade to the existing Borough of Grove City Wastewater Treatment Plant at the SW end of Greenwood Street in Grove City Borough, Mercer County utilizing an Integrated Fixed Film Activated Sludge (IFAS) process involving: 1) to remove various infrastructure covering 5,600 square feet within the FEMA floodplain of Wolf Creek; 2) to construct and maintain a portion of the headworks facility, anaerobic digester, IFAS tanks, plant effluent pump station and other infrastructure covering an area of 5,450 square feet within the FEMA floodplain of Wolf Creek; 3) to construct and maintain an 18-inch diameter ductile iron pipe force main crossing of a PEM wetland having a length of approximately 90 feet; and 4) to construct and maintain an outfall to Wolf Creek having an 18-inch diameter ductile iron pipe. Wolf Creek is a perennial stream classified as a CWF. The project proposes to temporarily impact approximately 0.01 acre (de minimis) of PEM wetland.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA25-08-601, Roadway Express**, 2215 Powell Avenue, Millcreek Township, **Erie County**, PA 16509, United States Army Corps of Engineers, Pittsburgh District (Swanville, PA Quadrangle N: 42° 4' 59"; W: 80° 9' 35.6").

Restoration plan provided under Section 105.12(a)(16) for the placement of fill in a manmade 0.15 acre PUBHx borrow pit for the expansion of the existing Roadway Express facility. Site is approximately 0.25 mile NE of the intersection of SR 0020 and Powell Avenue, adjacent to the southeastern section of the Erie International Airport.

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

**D32-086EA. Green Township Municipal Authority**, 77 Musser Street, Commodore, PA 15729. Green Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Barr Slope Reservoir Dam across a tributary to Dixon Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 feet of stream channel. The dam is located approximately 1,700 feet northwest of the intersection of SR 403 and SR 1012 (Barr Slope Road) (Clymer, PA Quadrangle Latitude: 40° 42' 52"; Longitude: 79° 00' 48").

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control Permits have been issued.

Persons aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and the Administrative Agency Law (2 Pa.C.S. Chapter 5A), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (Board) within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCGP1-001008001	Olive M. Marburger Living Trust Gas Well Sites, PC Exploration 502 Keystone Drive Warrendale, PA 15086	Butler	Forward Township	Breakneck Creek WWF

**SPECIAL NOTICES**

**Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of November 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 this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Michael Barrow	72 Hakes Hollow Road Wrightsville, PA 17368	Testing
Sandra Bender	929 Mt. Zion Roads Lebanon, PA 17046	Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Roger Burens	630 Freedom Business Center Third Floor King of Prussia, PA 19406	Mitigation
Clerkin Home Inspection, LLC	1114 Bergan Road Oreland, PA 19075	Testing
Ronald Crescente	2650 Tacoma Drive Blakeslee, PA 18610	Testing
Ronald Eckenroth	1006 Greenway Terrace Reading, PA 19607	Testing
Bruce Eichenlaub	485 East College Avenue Pleasant Gap, PA 16823	Testing
Daryl Festa	47-A Progress Avenue Cranberry Township, PA 16066	Testing
Rick Hynes	1037 Carnes School Road Seneca, PA 16346	Mitigation
Daniel Jones Alpha Detection & Control	98 Porter Avenue Scottdale, PA 15683	Mitigation
Allan Lenhardt	1419 Glen Rock Road Bloomsburg, PA 17815	Testing & Mitigation
Chris Matteson	912 Bruton Cove Hummelstown, PA 17036	Testing
Radon Specialists, LLC	134 Broad Street Suite 3 Stroudsburg, PA 18360	Testing
Ray Remsnyder	2843 North Front Street Harrisburg, PA 17110	Testing
Mark Runge	4848 Eighth Avenue Temple, PA 19560	Testing
Lloyd Scarborough	429 Hillside Avenue Morrisville, PA 19667	Testing
Kenneth Struder PA Home Inspections	P. O. Box 72722 Thorndale, PA 19372	Testing Laboratory
Todd Ziegler	828 Oak Street Royersford, PA 19468	Mitigation

### Special Public Notice

#### Chesapeake Bay Point Source Nutrient Reduction Strategy

The following permits have been amended to incorporate monitoring requirements for Total Nitrogen and Total Phosphorous under the Chesapeake Bay Tributary Strategy.

Comments should be directed to Program Manager, Water Management, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711.

#### *NPDES Permit Number*

#### *Permittee*

PA-0070041-A1	Mahanoy City Sewer Authority, Schuylkill County
PA-0070386-A1	Shenandoah Municipal Sewer Authority, Schuylkill County
PA-0046272-A1	Porter Tower Joint Municipal Authority, Schuylkill County
PA-0023558-A1	Borough of Ashland, Schuylkill County
PA-0023736-A1	Tri-Borough Municipal Authority, Susquehanna County
PA-0062201-A1	Schuylkill County Municipal Authority, Schuylkill County
PA-0060801-A1	Montrose Municipal Authority, Susquehanna County
PA-0060135-A1	Shickshinny Borough Sewer Authority, Luzerne County

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

**Request for Comment and Notice of Public Meeting  
for the Proposed Total Maximum Daily Load  
(TMDL) for the Nicely Run Watershed in  
Jefferson County**

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on proposed TMDL for the Nicely Run Watershed in Jefferson County. The meeting will be held on December 17, 2008, beginning at 9 a.m. at the Knox District Office in Knox, PA. The proposed TMDL was developed in accordance with the requirements of The Clean Water Act, section 303(d). One stream segment in the Nicely Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals and depressed pH. The listed segment and miles degraded are shown in the following table:

Stream Code	Stream Name	Miles Degraded
47748	Nicely Run	2.05

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

Parameter	Criterion value (mg/l)	Total Recoverable/ Dissolved
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for this watershed is abandoned mine workings. The watershed was heavily mined for coal in the 1980s and mining continues on a smaller scale today. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations which are established for permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over a 2 year period.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Office can also be obtained by contacting this address.

The proposed TMDL for the Nicely Run Watershed can be accessed through the Department's web site www.dep.state.pa.us by typing "TMDL" in the DEP Keyword field, and clicking GO.

Written comments will be accepted at the previous address and must be postmarked by February 10, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Tuesday December 16, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 797-1191 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 08-2238. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Bid Opportunity

**OSM 11(0838)101.1, Abandoned Mine Reclamation Project, Fox Run, West Carroll Township, Cambria County.** The principal items of work and approximate quantities include clearing and grubbing, 88,300 cubic yards of grading, 14.5 acres of seeding and 7,800 trees for tree planting. This project issues on December 12, 2008, and bids will be opened on January 8, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub.L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977 and is subject to that law, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
Acting Secretary

[Pa.B. Doc. No. 08-2239. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Board of Coal Mine Safety; January 2009 Meetings Scheduled

The Board of Coal Mine Safety (Board) will convene two meetings in January 2009. The Board's first meeting will be held on January 7, 2009, at 1 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the first meeting is to address administrative processes and discuss the charge of the Board. The Board will also meet on January 14, 2009, at 10 a.m. in the Bureau of Mine Safety Training Room in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA. The purpose of this meeting is for the Board to determine whether to promulgate regulations providing for exceptions to the Pennsylvania Bituminous Coal Mine Act (52 P. S. 701-101—701-128).

The agenda and meeting materials, if any, for each meeting will be available through the Public Participation Center on the Department of Environmental Protection's

(Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: "Participate"). Questions concerning the meetings of the Board should be directed to Allison D. Gaida at (724) 439-7289 or [agaida@state.pa.us](mailto:agaida@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2240. Filed for public inspection December 12, 2008, 9:00 a.m.]

### **Extension of Pennsylvania General NPDES General Permit for Stormwater Discharges Associated with Construction (PAG-2)**

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is extending for an additional 6 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-2, 2002 amendment). The current PAG-2 permit is scheduled to expire at midnight December 7, 2008. The extension will be effective on December 8, 2008, and expires at midnight June 7, 2009, unless rescinded by the Department at an earlier date. The Department is extending the availability of this permit to adequately complete the preparation of the renewal of PAG-2.

The existing PAG-2 permit documents will continue to be available from the Department's regional offices and local county conservation districts until they are replaced or updated. In addition, the permit documents are on file at the Department of Environmental Protection, Bureau of Watershed Management, 10th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. This package is also available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Stormwater Management). The permit documents can also be obtained by contacting Barbara Beshore at (717) 772-5961 or [bbeshore@state.pa.us](mailto:bbeshore@state.pa.us). Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2241. Filed for public inspection December 12, 2008, 9:00 a.m.]

### **Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits**

The Department of Environmental Protection (Department) hereby provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit

Trading Program (Trading Program). These actions were taken in relation to the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID No. 392-0900-001) See 36 Pa.B. 7999 (December 30, 2006). The policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the Program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through November 21, 2008.

#### *Background*

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 64 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 43 have been approved, seven are in review, one has been withdrawn and the remaining need additional clarification prior to certification.

*Proposals under Review:*

The following proposals are being reviewed by the Department. Comments will be received on these projects for 30 days.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
1. Innovative environmental Products, Inc.	Nitrogen and Phosphorus credits generated by installing a manure processing technology and exporting the remaining solids.

*Certifications:*

The Department has approved the following credit-generating proposals.

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>
1. Mifflin County Conservation District: credits generated by the implementation of no-till.	1,419	
2. Red Barn Trading Company—Client 153: credits generated by exporting poultry manure from Juniata to location outside of the watershed.	24,160	3,020
3. Red Barn Trading Company—Client 164: credits generated by exporting poultry manure from Dauphin to location outside of the watershed.	24,378	3,047
4. Red Barn Trading Company—Client 369: credits generated by exporting poultry manure from Lancaster to location outside of the watershed.	16,035	2,004
5. Red Barn Trading Company—Client 391: credits generated by exporting poultry manure from Montour to location	25,217	3,152
6. Red Barn Trading Company—Client 444: credits generated by exporting poultry manure from Juniata to location outside of the watershed.	7,162	895
7. Red Barn Trading Company—Client 535: credits generated by exporting poultry manure from Lancaster to location outside of the watershed.	138,781	17,348
<b>Total:</b>	<b>237,152</b>	<b>29,466</b>

*Verifications and Registrations:*

To date, there are no verifications and registrations.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Har-

risburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2242. Filed for public inspection December 12, 2008, 9:00 a.m.]

**State Board for Certification of Sewage Enforcement Officers; 2009 Examination Announcement**

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled dates for the 2009 Sewage Enforcement Officers (SEO) Precertification Academy and examinations. To qualify to sit for the certification examination, the SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. The SEO Certification examinations will be administered the Friday following completion of the Precertification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The 2009 Precertification Academy and examination schedules are as follows:

May 5—7 and May 12—14, 2009 Enola, PA	Examination Date: May 15, 2009 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: April 15, 2009
July 7—9 and July 14—16, 2009 State College, PA	Examination Date: July 17, 2009 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: June 17, 2009

To qualify to sit for the certification exam, the SEO candidates must complete the SEO precertification academy, which consists of 6 days of training spread over 2 weeks. For information on the SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930.

The SEO written examination contains multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam, however, you are not permitted to bring your own materials. Necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045. Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

If you anticipate the need for a testing accommodation due to a disability contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss your request. This request must be submitted with your application form.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2243. Filed for public inspection December 12, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Brandywine Valley Endoscopy Center for Exception

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

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

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

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

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2244. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application of The Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6(c) (relating to identification of personnel).

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

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

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

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2245. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

ACMH Hospital  
Brookville Hospital  
Indiana Regional Medical Center  
Miners Medical Center  
Pinnacle Health  
St. Christopher's Hospital for Children  
UPMC Northwest  
UPMC Presbyterian Shadyside

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2246. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application of HealthSouth Regional Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that HealthSouth Regional Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-



ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2247. Filed for public inspection December 12, 2008, 9:00 a.m.]

#### **Application of Lackawanna Surgery Center for Exception**

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

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2248. Filed for public inspection December 12, 2008, 9:00 a.m.]

#### **Application of Select Specialty Hospital—Johnstown for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Johnstown has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2249. Filed for public inspection December 12, 2008, 9:00 a.m.]

#### **Application of Southwest Regional Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2250. Filed for public inspection December 12, 2008, 9:00 a.m.]

#### **Application of Susquehanna Endoscopy Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Susquehanna Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following

publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.9.2.2 (relating to examination room).

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

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

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

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2251. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application of The Washington Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Washington Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2252. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2009

The Department of Health (Department) is making copies available of the draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2009 under 42 U.S.C.A. § 300 w-4. This application is the Commonwealth's draft application request to the United States Department of Health and Human Services for block grant funding to address the Healthy People 2010 Health Status Objectives.

The block grant application (Pennsylvania's funding request to Health and Health Services) describing proposed services, program goals and objectives and activities will be available on or after December 19, 2008, and can be obtained by calling the Bureau of Health Promotion and Risk Reduction at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned application in accordance with 42 U.S.C.A. § 300 w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. until noon, December 22, 2008, in the Bureau Conference Room, Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau of Health Promotion and Risk Reduction at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Persons who testify should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA 17108, and should be received no later than 4 p.m., December 26, 2008.

Persons with a disability who require an alternative format of the previously-mentioned application (such as, large print, audio tape, Braille) or who wish to comment in alternative format should contact the Bureau of Health Promotion and Risk Reduction at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2253. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant Advisory Committee will hold a teleconference (public) meeting on Thursday, December 18, 2008, from 9:30 a.m. to 11 a.m. The teleconference will be held in Room 1000, Health and Welfare Building, Bureau of Health Promotion and Risk Reduction's Conference Room, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Pam Getz, Administrative Assistant or Terry L. Walker, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Terry L. Walker, Administrative Officer at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2254. Filed for public inspection December 12, 2008, 9:00 a.m.]

### **Tobacco Use Prevention and Cessation Advisory Committee; Public Hearing and Meeting**

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health will hold a public hearing on December 16, 2008, in Hearing Room No. 5, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA from 10 a.m. to 12 p.m.

Comments must be submitted in writing no later than 2:30 p.m. on December 15, 2008, to the Department of Health, Bureau of Health Promotion and Risk Reduction, Division of Tobacco Prevention and Control, Room 833, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, fax (717) 214-6690. Written comments must be limited to no more than three typewritten pages. Persons wishing to present written statements orally at the public hearing must contact Judy Ochs at (717) 783-6600 no later than 2:30 p.m. on December 15, 2008, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

The Committee will also hold a public meeting on December 16, 2008, from 1:00 p.m. until 3:30 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State Fiscal Year 2009-2010.

This meeting is open to the public and no reservations are required.

For additional information contact Judy Ochs, Director, Division of Tobacco Prevention and Control, Room 833, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701 at (717) 783-6600.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Judy Ochs at (717) 783-6600 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The hearing and meeting are subject to cancellation without notice.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2255. Filed for public inspection December 12, 2008, 9:00 a.m.]

## **DEPARTMENT OF REVENUE**

### **Pennsylvania Cupid Cash '08 Instant Lottery Game**

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

1. *Name:* The name of the game is Pennsylvania Cupid Cash '08.

2. *Price:* The price of a Pennsylvania Cupid Cash '08 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Cupid Cash '08 instant lottery game ticket will contain one play area featuring a "CUPID'S SYMBOLS" area and a "YOUR SYMBOLS" area. The play symbols and their captions printed in black ink, located in the "CUPID'S SYMBOLS" area are: Balloon symbol (BALLOON), Cupcake symbol (CUPCAKE), Cash symbol (CASH), Couple symbol (COUPLE), Crown symbol (CROWN), Diamond symbol (DMND), Gift symbol (GIFT), Kiss symbol (KISS), Note symbol (NOTE), Moneybag symbol (MNYBAG), Wallet symbol (WALLET), Necklace symbol (NCKLACE), Emerald symbol (EMERALD), Mink symbol (MINK), Car symbol (CAR), Perfume symbol (PERFUME), Ring symbol (RING), Rose symbol (ROSE), Candy symbol (CANDY), Teddy Bear symbol (TBEAR), Toast symbol (TOAST), Wink symbol (WINK) and a Candle symbol (CANDLE). The play symbols and their captions printed in red ink, located in the "CUPID'S SYMBOLS" area are: Balloon symbol (BALLOON), Cupcake symbol (CUPCAKE), Cash symbol (CASH), Couple symbol (COUPLE), Crown symbol (CROWN), Diamond symbol (DMND), Gift symbol (GIFT), Kiss symbol (KISS), Note symbol (NOTE), Moneybag symbol (MNYBAG), Wallet symbol (WALLET), Necklace symbol (NCKLACE), Emerald symbol (EMERALD), Mink symbol (MINK), Car symbol (CAR), Perfume symbol (PERFUME), Ring symbol (RING), Rose symbol (ROSE), Candy symbol (CANDY), Teddy Bear symbol (TBEAR), Toast symbol (TOAST), Wink symbol (WINK) and a Candle symbol (CANDLE). The play symbols and their captions printed in black ink, located in the "YOUR SYMBOLS" area are: Balloon symbol (BALLOON), Cupcake symbol (CUPCAKE), Cash symbol (CASH), Couple symbol (COUPLE), Crown symbol (CROWN), Diamond symbol (DMND), Gift symbol (GIFT), Kiss symbol (KISS), Note symbol (NOTE), Moneybag symbol (MNYBAG), Wallet symbol (WALLET), Necklace symbol (NCKLACE), Emerald symbol (EMERALD), Mink symbol (MINK), Car symbol (CAR), Perfume symbol (PERFUME), Ring symbol (RING), Rose symbol (ROSE), Candy symbol (CANDY), Teddy Bear symbol (TBEAR), Toast symbol (TOAST), Wink symbol (WINK), Candle symbol (CANDLE) and an Arrow symbol (ARROW). The play symbols and their captions printed in red ink, located in the "YOUR SYM-

BOLS" area are: Balloon symbol (BALLOON), Cupcake symbol (CUPCAKE), Cash symbol (CASH), Couple symbol (COUPLE), Crown symbol (CROWN), Diamond symbol (DMND), Gift symbol (GIFT), Kiss symbol (KISS), Note symbol (NOTE), Moneybag symbol (MNYBAG), Wallet symbol (WALLET), Necklace symbol (NCKLACE), Emerald symbol (EMERALD), Mink symbol (MINK), Car symbol (CAR), Perfume symbol (PERFUME), Ring symbol (RING), Rose symbol (ROSE), Candy symbol (CANDY), Teddy Bear symbol (TBEAR), Toast symbol (TOAST), Wink symbol (WINK), Candle symbol (CANDLE) and a Red Heart symbol (REDHRT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SYMBOLS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000, \$10,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Cupid Cash '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Red Heart symbol (REDHRT), with the symbol and caption printed in red ink, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "Prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Red Heart symbol (REDHRT), with the symbol and caption printed in red ink, and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "Prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a Red Heart symbol (REDHRT), with the symbol and caption printed in red ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "Prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$25\$ (TWY FIV) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$40\$ (FORTY) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is an Arrow symbol (ARROW), with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area to the right of the Arrow symbol (ARROW), on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "CUPID'S SYMBOLS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

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

*When Any Your Symbols Match Any Of Cupid's Symbols, Win Prize Shown To The Right Of The Matching Symbol. Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,600,000 Tickets:</i>
\$5 × 2	\$10	60	60,000
\$5 w/ARROW	\$10	15	240,000
\$10	\$10	15	240,000
\$5 × 4	\$20	120	30,000
\$10 × 2	\$20	120	30,000
\$10 w/ARROW	\$20	60	60,000
\$20	\$20	60	60,000
\$5 × 5	\$25	100	36,000
(\$5 w/ARROW) + (\$5 × 3)	\$25	75	48,000
\$25	\$25	100	36,000
\$5 × 8	\$40	300	12,000
\$10 × 4	\$40	300	12,000
\$20 × 2	\$40	300	12,000
\$20 w/ARROW	\$40	300	12,000
\$40	\$40	300	12,000
\$5 × 10	\$50	600	6,000
\$10 × 5	\$50	600	6,000
\$25 × 2	\$50	600	6,000
\$25 w/ARROW	\$50	600	6,000
\$50	\$50	300	12,000
\$10 × 10	\$100	400	9,000
\$50 × 2	\$100	400	9,000
\$50 w/ARROW	\$100	300	12,000
RED HEART w/(\$5 × 10) + (\$10 × 5)	\$100	300	12,000
\$100	\$100	400	9,000
\$50 × 10	\$500	6,000	600
\$100 × 5	\$500	6,000	600
(\$100 w/ARROW) + (\$100 × 3)	\$500	6,000	600
\$500	\$500	6,000	600
RED HEART w/(\$25 × 10) + (\$50 × 5)	\$500	6,000	600
\$100 × 10	\$1,000	24,000	150
\$500 × 2	\$1,000	24,000	150
\$500 w/ARROW	\$1,000	24,000	150
RED HEART w/(\$50 × 10) + (\$100 × 5)	\$1,000	24,000	150
\$1,000	\$1,000	24,000	150
\$10,000	\$10,000	360,000	10
\$250,000	\$250,000	360,000	10

Arrow (ARROW) symbol = Win double the prize shown to the right of it.  
 Red Heart (REDHRT) symbol = Win all 15 prizes shown.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cupid Cash '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cupid Cash '08, prize money from winning Pennsylvania Cupid Cash '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cupid Cash '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cupid Cash '08 or through normal communications methods.

STEPHEN STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2256. Filed for public inspection December 12, 2008, 9:00 a.m.]

## Pennsylvania Sweet Heart\$ Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Sweet Heart\$.

2. *Price:* The price of a Pennsylvania Sweet Heart\$ instant lottery game ticket is \$2.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania Sweet Heart\$ instant lottery game ticket will contain two play areas known as "Game 1" and "Game 2" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Sweet Heart\$ instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: X symbol (XXX) and an O symbol (OOO).

(c) The play area for "Game 2" will contain five play symbols and a prize symbol directly below each play symbol. The play symbols and their captions located in the "YOUR SWEETS NUMBERS" and "CANDY BOX NUMBER" areas for "Game 2" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN) and 12 (TWELVE).

(d) The prize play symbol and the play symbols and their captions located in the "Fast Cash Bonus" area are: \$14\$ (FORTN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:*

(a) The play area for "Game 1" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 1" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$14,000 (FORTN THO).

(b) The play area for "Game 2" will contain five "prize" areas. The prize symbols and their captions located in the five "prize" areas for "Game 2" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$14,000 (FORTN THO).

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$400, \$1,000 and \$14,000. The prize that can be won in the "Fast Cash Bonus" area is \$14. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Sweet Heart\$ instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$14,000 (FORTN THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$14,000.

(2) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$400.

(4) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$4<sup>.00</sup> (FOR DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(10) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(11) Holders of tickets with three matching X (XXX) play symbols in the same row, column or diagonal, and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$14,000 (FORTN THO) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14,000.

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

(3) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

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

(5) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the

"CANDY BOX NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

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

(7) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(10) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(11) Holders of tickets upon which any one of the "YOUR SWEETS NUMBERS" play symbols matches the "CANDY BOX NUMBER" play symbol and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "YOUR SWEETS NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(c) Determination of prize winners for the Fast \$14 (BONUS) area. Holders of tickets with a \$14\$ (FORTN) play symbol appearing in the "Fast \$14 Bonus" area, on a single ticket, shall be entitled to a prize of \$14.

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

<i>Game 1</i>	<i>Game 2</i>	<i>Fast Cash Bonus</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$1	\$1		\$2	37.50	144,000
	\$1 x 2		\$2	37.50	144,000
\$2			\$2	37.50	144,000
	\$2		\$2	30	180,000
\$1	\$1 x 3		\$4	150	36,000
	\$1 x 4		\$4	150	36,000
\$2	\$2		\$4	150	36,000
	\$2 x 2		\$4	150	36,000
\$4			\$4	150	36,000
	\$4		\$4	75	72,000
\$2	\$1 x 3		\$5	187.50	28,800

Game 1	Game 2	Fast Cash Bonus	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets
	\$1 × 5		\$5	187.50	28,800
\$5	\$5		\$5	150	36,000
\$2	\$2 × 4		\$5	150	36,000
\$5	\$5		\$10	1,500	3,600
\$10	\$5		\$10	1,500	3,600
	\$10		\$10	1,500	3,600
		\$14	\$14	50	108,000
	\$4 × 5		\$20	1,500	3,600
\$10	\$10		\$20	1,500	3,600
	\$2 × 3	\$14	\$20	250	21,600
\$20	\$20		\$20	1,500	3,600
	\$5 × 4		\$20	1,500	3,600
\$20	\$10 × 2		\$40	2,000	2,700
\$20	\$2 × 3	\$14	\$40	2,000	2,700
\$20	\$20		\$40	341.88	15,795
\$40	\$20		\$40	2,000	2,700
	\$40		\$40	2,000	2,700
\$20	\$20 × 4		\$40	2,000	2,700
	\$20 × 5		\$100	8,000	675
\$100	\$100		\$100	8,000	675
	\$100 × 3		\$100	8,000	675
\$100	\$400		\$400	120,000	45
\$400	\$400		\$400	120,000	45
\$1,000	\$1,000		\$400	120,000	45
	\$1,000		\$1,000	540,000	10
\$14,000	\$14,000		\$1,000	540,000	10
	\$14,000		\$14,000	1,080,000	5
			\$14,000	1,080,000	5

GAME 1—Get three “X” symbols in a row, column or diagonal, win prize shown.

GAME 2—When any of Your Sweets Numbers match the Candy Box Number, win prize shown under matching number.

Fast Cash Bonus—Reveal \$14 prize amount win \$14 instantly.

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

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

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

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Sweet Heart\$ or through normal communications methods.

STEPHEN STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2257. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Rates of Tax on Aviation Gasoline and Jet Fuel for 2009; Oil Company Franchise Tax Rate for 2009; Alternative Fuels Tax Rates for 2009

#### Aviation Gasoline and Jet Fuels

##### Aviation Gasoline Rate for 2009

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2009 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines increases to a new rate of 5.8c<sup>1</sup> per gallon or fractional part thereof.

<sup>1</sup>The rate of 5.8c per gallon consists of the 1.5c per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1), and the 4.3c per gallon



*Jet Fuel Rate for 2009*

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2009 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines remains at the current rate of 2.0¢ per gallon or fractional part thereof.

*Calculating the 2009 Aviation Gasoline and Jet Fuel Rates*

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985 and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986 and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the U.S. Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On November 1, 2008, the most recently available 12-month period was September 2007 to September 2008, as reported in Bureau of Labor Statistics, U.S. Department of Labor, Producer Price Indexes, September 2008, USDL 08-1456, released October 15, 2008, for which the percentage change was (+) 53.4%. Accordingly, the aviation gasoline tax rate increases from the 2008 rate of 5.3¢ per gallon to the new 2009 rate of 5.8¢ per gallon; however, the jet fuel tax rate is unchanged for 2009, remaining at the 2008 rate of 2.0¢ per gallon.

**Oil Company Franchise Tax**

*Oil Company Franchise Tax Rate for 2009*

The Secretary announces that for the calendar year 2009 the rate of the oil company franchise tax remains at the current rate of 19.2¢ per gallon on all liquid fuels and 26.1¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions).

*Calculating the 2009 Oil Company Franchise Tax Rate*

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall

additional tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used previously is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2008 the Department has determined that the average wholesale price of liquid fuels and fuels was \$2.935 per gallon, which exceeds the statutory maximum of \$1.25; therefore, an average wholesale price of \$1.25 is used to compute the tax rate for 2009.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	×\$1.25	×\$1.25
Product:	19.188¢	26.063¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	19.2¢	26.1¢

*Collection of Oil Company Franchise Tax*

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as computed previously is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2009 the combined rate of tax for liquid fuels (primarily gasoline) is 31.2¢ per gallon and for fuels (primarily undyed diesel fuel) is 38.1¢ per gallon.

**Alternative Fuels Tax Rates for 2009**

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTUs.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the liquid fuels and oil company franchise taxes currently imposed on one gallon of gasoline. The rate of tax on one gallon of gasoline during the period of this notice is 12.0¢ for the liquid fuels tax and 19.2¢ for the oil company franchise tax for a total tax of 31.2¢ per gallon of gasoline.

The Secretary announces that the 2009 tax rates for alternative fuels are as follows:

Alternative Fuel	Rate of Conversion (BTU/gal of alternative fuel)	Amount Equivalent to One Gallon of Gasoline @ 114,500 BTU per gallon	Tax Rate per Gallon of Alternative Fuel
Ethanol	76,400	1.499	\$.208
Methanol	56,560	2.024	\$.154
Propane/LPG	83,500	1.371	\$.228
E-85	80,460	1.423	\$.219
M-85	65,350	1.752	\$.178
Compressed Natural Gas (CNG)	29,000 @ 3,000 PSI	3.948	\$.079
Liquefied Natural Gas (LNG)	66,640	1.718	\$.182
Electricity	3,412 BTU/KWH	33.558 KWH	\$.0093 \KWH

STEPHEN STETLER,  
Acting Secretary

[Pa.B. Doc. No. 08-2258. Filed for public inspection December 12, 2008, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2009 VHS-Susceptible Species of Fish

Effective January 1, 2009, the Fish and Boat Commission (Commission) has adopted new regulations that address the sale, introduction and transportation of fish susceptible to Viral Hemorrhagic Septicemia (VHS), known as VHS-susceptible species of fish, from VHS-affected or at risk states or regions. These new regulations may be found at 58 Pa. Code §§ 63.51, 71.8 and 73.3 (relating to sale of VHS-susceptible species of fish; introduction of VHS-susceptible species of fish; and transportation and importation of VHS-susceptible species of fish). The Commission also adopted amendments to § 69.3 (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed) to include provisions regarding the introduction and sale of VHS-susceptible species from the Lake Erie watershed in other watersheds of the Commonwealth. Under these sections, VHS-susceptible species are those species that the Commission defines by notice published in the *Pennsylvania Bulletin*.

For purposes of these sections, the Commission defines the following species of fish as those that are VHS-susceptible, effective January 1, 2009: Bluegill (*Lepomis macrochirus*); Bluntnose minnow (*Pimephales notatus*); Brown trout (*Salmo trutta*); Bullhead catfishes (*Ameiurus spp*); 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*); Lake trout (*Salvelinus namaycush*);

Largemouth bass (*Micropterus salmoides*); Muskellunge (*Esox masquinongy*); Northern pike (*Esox lucius*); Pumpkinseed (*Lepomis gibbosus*); Rainbow trout/steelhead (*Oncorhynchus mykiss*); Redhorse suckers (*Moxostoma spp*); Rock bass (*Ambloplites rupestris*); Round goby (*Apolonia melanostoma*); 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*); Whitefishes (*Coregonus spp*); and Yellow perch (*Perca flavescens*).

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

[Pa.B. Doc. No. 08-2259. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Proposed Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

The criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries.

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries.

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries.

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries.

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be docu-

mented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff have documented the following stream sections to have Class A Wild Trout populations (ST=Brook Trout, BT=Brown Trout). The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 29 and 30, 2009.

County	Stream	Limits	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Length (miles)
Schuylkill	UNT to Little Schuylkill River	Headwaters at spring fed pond to mouth	35.92		0.81
Potter	Cross Fork	Confluence with Rhulo Hollow/Bear Trap Lodge downstream to confluence with Windfall Run	17.05 (2005) 18.6 (2006) 33.58 (2007)	37.67 (2005) 34.94 (2006) 64.7 (2007)	1.83
Luzerne	Phillips Creek Sec 01	Headwaters to Route 118	ST 46.01		1.80
Luzerne	Phillips Creek Sec 02	Route 118 to mouth	ST 22.59 BT 28.14		3.16
Luzerne	Kitchen Creek Sec 01	Confluence Ganoga Glen/Glen Leigh to Shedy Hill Road (T 559)	ST 47.12		4.15
Luzerne	Crooked Creek	Headwaters to mouth	ST 41.06		1.80
Luzerne	Maple Run Sec 01	Headwaters to pipeline crossing	ST 90.37		2.42
Luzerne	Wasp Branch	Headwaters to mouth	ST 45.98		1.74

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

[Pa.B. Doc. No. 08-2260. Filed for public inspection December 12, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 20, 2008, and announced the following:

*Action Taken—Regulation Disapproved:*

Environmental Quality Board #7-421: Triennial Review of Water Quality Standards (amends 25 Pa. Code Chapters 16 and 93)

### Disapproval Order

Public Meeting held  
November 20, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; Nancy Sabol Frantz, Esq.; Karen A. Miller, Dissenting

*Environmental Quality Board—Triennial Review of Water Quality Standards; Regulation No. 7-421 (#2659)*

On December 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 16 and 93. The proposed regulation was published in the January 12, 2008 *Pennsylvania Bulletin* with a 75-day public comment period. The final-form regulation was submitted to the Commission on October 7, 2008.

This final-form regulation represents the EQB's triennial update of its water quality standards. It makes numerous amendments to Chapters 16 and 93. Our sole concern with this regulation is the implementation of a new water quality standard for Molybdenum (Mo).

In our comments issued on April 28, 2008, we requested the EQB "clearly provide the justification for the inclusion of Mo . . . and the rationale behind the specific Human Health Criteria standard." Further, we referenced concerns raised by commentators concerning the lack of a federal standard for Mo, the inability of these commentators to attain the standards required by this regulation using available technology, and the potential impact of this standard on the continuing operation of at least one business in the Commonwealth.

In its response, the EQB stated that it needs to create a statewide standard for Mo because "Pennsylvania has at least four active major NPDES permits that require Mo monitoring, and at least 2 additional facilities that discharge Mo." It further asserted that Mo is considered a toxic metal, has been labeled a teratogen and can cause "gout-like symptoms." The EQB completed its response by outlining the methodology and data used for developing the water quality criterion for Mo. However, several concerns raised by the regulated community and this Commission remain.

The Regulatory Review Act requires the Commission to consider specific criteria in determining whether the regulation is in the public interest. We have determined the regulation is not in the public interest based on the following criteria: the economic or fiscal impact of the regulation (71 P. S. § 745.5b(b)(1)); protection of the public health, safety and welfare (71 P. S. § 745.5b(b)(2)); need for the regulation (71 P. S. § 745.5b(b)(3)(iii)); reasonableness of the requirements (71 P. S. § 745.5b(b)(3)(iv)); and the comments, objections or recommendations of a committee (71 P. S. § 745.5b(b)(5)).

First, we note the objections and recommendations offered by the Senate Environmental Resources and Energy Committee (Committee). In separate letters dated October 8, 2008, the Committee notified us that it adopted by formal action a recommendation that the Commission disapprove the regulation. The Committee also notified the EQB and us of its intent to further review the regulation after the Commission's final action on the regulation. The Committee stated, "We note that neither the Environmental Protection Agency nor most of our neighboring states have adopted a similar standard, and its inclusion is not required for Pennsylvania to maintain compliance with federal water quality standards." It further stated, "Several employers who currently discharge Molybdenum have raised persuasive arguments regarding the rationale, cost and appropriateness of this standard. We question whether DEP has offered sufficient justification regarding the specific interest of the Commonwealth to exceed federal water quality standards." We agree.

Second, the EQB has not sufficiently addressed the economic and fiscal impact of imposing this water quality criterion on the regulated community. In response to Question 17 in the Regulatory Analysis Form, the EQB states, "[c]osts and savings cannot be determined because of site-specific considerations and because there is no historical accounting of costs that would enable a comparative cost analysis to be conducted." Commentators have stated that the methods of reducing Mo discharges that currently exist are extremely costly and may not attain the requirements set forth in this regulation. Further, some commentators, including Langeloth Metallurgical (LMC), assert that these requirements will place such an economic burden on the regulated community that "... if implemented, will threaten LMC's ability to continue to operate its facilities."

Department of Environmental Protection staff have indicated a willingness to allow time extensions for compliance on a case-by-case basis so that effective technologies for reducing Mo discharges can be identified and implemented. However, we remain concerned that the undefined cost of such a process will be unduly burdensome to existing businesses and could discourage other companies from establishing operations in Pennsylvania.

Finally, the EQB has not fully demonstrated the impact of the consumption of Mo on the public health. The EQB has asserted that Mo is a water toxin, is a teratogen in test animals and has cited numerous studies supporting these positions. However, we note that despite these studies, the federal Environmental Protection Agency (EPA) has not established a water quality standard for Mo. Further, commentators have asserted that this substance has not been categorized as a carcinogen, toxic pollutant or non-priority pollutant by the EPA. In fact, several commentators have indicated that an insufficient intake of Mo would actually have an adverse effect on human health. The EQB has not supplied enough information to adequately refute the commentators' assertions that a statewide criterion for Mo is not needed. Additionally, the EQB has not provided data demonstrating any documented harm to Pennsylvania residents as a result of ingesting any level of Mo. It concerns us that the EQB would propose a water quality standard for a substance for which there is questionable evidence of its toxicity to humans, particularly in the absence of commercially available and cost-effective means to reduce or eliminate this substance from existing and permitted industrial discharges.

Given the potential costs to businesses for reducing Mo discharges to the level required by this regulation; the lack of EPA regulation of Mo; the lack of data demonstrating the adverse health impacts on Pennsylvanians; and the concerns expressed by the Committee, we find that the EQB has not sufficiently justified the need for and reasonableness of imposing a statewide criterion for Mo. Consequently, we conclude that the criterion for Mo should be removed from the regulation.

We have determined this regulation is consistent with the statutory authority of the EQB (Pennsylvania Clean Streams Law at 35 P. S. § 691.5(b)(1)) and the intention of the General Assembly. However, based upon the information made available to us and after considering all of the other criteria of the Regulatory Review Act discussed previously, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-2261. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-93	Pennsylvania Gaming Control Board Rules of Practice and Procedures 38 Pa.B. 5441 (October 4, 2008)	11/3/08	12/3/08

**Pennsylvania Gaming Control Board  
Regulation #125-93 (IRRC #2723)**

**Rules of Practice and Procedures**

**December 3, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the October 4, 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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 403a.7. Temporary emergency orders.—  
Clarity.**

Although this section employs the term “presiding officer,” neither the existing regulation nor the proposed regulation contains an applicable definition. Section 491a.2 defines the term, but that section applies only to subpart H (pertaining to practice and procedure), not subpart A (pertaining to general provisions), where § 403a.7 is located. The final-form regulation should include a definition of “presiding officer” that is applicable to this section.

**2. Section 493a.5. Answers to complaints, petitions,  
motions and other filings requiring a response.**

**Section 493a.10. Motions for summary judgment  
and judgment on the pleadings.**

**Section 493a.12. Intervention.**

**Section 494a.6. Reopening of record.**

**—Reasonableness and feasibility; Protection of public  
welfare; Implementation procedures.**

Changes to existing provisions shift the trigger date for responsive filings from the date of service to the date of filing. We are concerned that this shift could render responsive parties who are served days after filing vulnerable to serious legal consequences, through no fault of their own. Although this problem could dissipate with the implementation of electronic filing and service, it is unclear when the introduction of such electronic transactions will occur.

We recommend that the final-form regulation retain existing provisions that require the calculation of deadlines to start at the time of service. However, should the Board decide to proceed with these provisions as currently conceived, the final-form submittal should further explain its rationale and clarify how this regulatory scheme protects responsive parties, particularly since electronic filing and service is unavailable.

**3. Section 493a.10a. Motions for summary judgment  
and judgment on the pleadings.—Clarity, Statutory  
authority, Fiscal impact.**

This new section requires parties seeking to protect confidential information to file a Motion to Protect Confidential Information. We raise the following five concerns:

First, pursuant to 4 Pa.C.S. § 1206 and 58 Pa. Code § 407a.3, confidential documents and confidential information are protected. Subsection (a) refers only to information, subsection (b) refers to information and documents in separate paragraphs, and subsection (c) only refers to documents. The final-form regulation should clarify whether and why the Board distinguishes between confidential *documents* and confidential *information*.

Second, as referenced in subsection (a), the term “pleadings and other papers” is vague. The final form regulation should specifically identify the pertinent documents referred to as “other papers.”

Third, although paragraph (b)(1) requires the moving party to “set forth the specific reasons why the information should be deemed to be confidential information and, therefore, protected,” subsection (c) only allows the Director of Hearings and Appeals (Director) to “issue an interim order to protect the documents from disclosure” until the Board takes action. We are concerned that the Motion to Protect Confidential Information might necessarily contain confidential information itself, but this section does not appear to grant the Director the power to protect these portions of the motion. The Board should consider whether providing for the protection of the motion is necessary, and the final-form regulation should clarify whether the Director may issue an interim order of protection that encompasses information in the motion.

Fourth, the Gaming Act requires the Board to protect the confidentiality of the following two kinds of information: 1) “all information submitted by an applicant pursuant to section 1310(a) (relating to slot machine license application character requirements)”; OR 2) information obtained by the Board or the bureau from any source as part of a background investigation. 4 Pa.C.S. § 1206. Existing regulations provide for an even broader description of confidential information. 58 Pa. Code § 407a.3. The Board should clarify whether this proposed section applies to confidential information *other than* the information described in 4 Pa.C.S. § 1206. Additionally, the Board should explain its statutory authority for requiring a party to prevail on a motion to protect information already protected by the statute.

Finally, in the RAF, the Board states this regulation will result in no costs to the regulated community. Members of the regulated community, however, argue that they will incur significant legal costs in complying with this regulation. We recommend that the Board continue to explore cost implications for licensees and other parties. The final-form regulation should explain what steps the Board has taken to investigate and mitigate the potential fiscal impact of this proposal, and whether the public interest is best served by imposing this cost.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-2262. Filed for public inspection December 12, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Allstate Property and Casualty Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On November 20, 2008, the Insurance Department (Department) received from Allstate Property and Casualty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 6.2% increase amounting to \$9.054 million annually, to be effective February 2, 2009, for new business and March 5, 2009, for renewal business.

Unless formal administrative action is taken prior to January 19, 2009, 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."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenneystate.pa.us](mailto:mmckenneystate.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2263. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application for Approval of a Proposed Merger Involving a Domestic Health Maintenance Organization

Aetna Health Plans, Inc., an Arizona domiciled for-profit health maintenance organization (HMO), has filed an application for approval to merge with Aetna Health Plans, Inc., a Pennsylvania domiciled for-profit HMO, with the Pennsylvania domiciled HMO surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2264. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application for Approval of a Proposed Merger Involving a Domestic Health Maintenance Organization

Aetna Health Plans, Inc., an Illinois domiciled for-profit health maintenance organization (HMO), has filed an application for approval to merge with Aetna Health Plans, Inc., a Pennsylvania domiciled for-profit HMO, with the Pennsylvania domiciled HMO surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2265. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application for Approval of a Proposed Merger Involving a Domestic Health Maintenance Organization

Aetna Health Plans, Inc., an Oklahoma domiciled for-profit health maintenance organization (HMO), has filed an application for approval to merge with Aetna Health Plans, Inc., a Pennsylvania domiciled for-profit HMO, with the Pennsylvania domiciled HMO surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), Subchapter C of Chapter 19 of the Business Corporation Law, 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2266. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application for Approval of a Proposed Merger Involving a Domestic Health Maintenance Organization

Aetna Health Plans, Inc., a Tennessee domiciled for-profit health maintenance organization (HMO), has filed an application for approval to merge with Aetna Health Plans, Inc., a Pennsylvania domiciled for-profit HMO, with the Pennsylvania domiciled HMO surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2267. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application for Domestic Certificate of Authority by Essent Guaranty, Inc.

Essent Guaranty, Inc. has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application 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*. Written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2268. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Buckingham SNF, LLC

Buckingham SNF, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Buckingham Valley Rehabilitation and Nursing Center in Buckingham, PA. The initial filing was received on November 5, 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, syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2269. Filed for public inspection December 12, 2008, 9:00 a.m.]

### Keystone Health Plan East; Base Rate Filing; Rate Filing

On November 19, 2008, Keystone Health Plan East submitted a rate filing to increase the base rates of its HMO Group product, for employers groups with less than 100 enrolled employees. The filing requests an average increase of 10.55%. This filing will affect approximately 145,046 contracts and produce additional premium income of about \$80 per contract per month or \$140,124,000 annually. The requested effective date of the change is April 1, 2009.

Unless formal administrative action is taken prior to February 26, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) 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 Regional office in Harrisburg.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2270. Filed for public inspection December 12, 2008, 9:00 a.m.]

# OFFICE OF OPEN RECORDS

## Uniform Request Form

Under section 505 of the Right-to-Know Law (65 P. S. § 67.505), the Office of Open Records must create and make available a Uniform Request Form that can be used when making request for records. This form is available on our web site at <http://openrecords.state.pa.us>, click on the FORMS link. Local and Commonwealth agencies are permitted to create and use their own forms, but should be advised that the law requires that they must accept a request submitted on the Office of Open Records Request Form.

TERRY MUTCHLER,  
*Executive Director*





**pennsylvania**  
OFFICE OF OPEN RECORDS

**STANDARD RIGHT-TO-KNOW REQUEST FORM**

**DATE REQUESTED:**

**REQUEST SUBMITTED BY:**      E-MAIL      U.S. MAIL      FAX      IN-PERSON

**NAME OF REQUESTOR :** \_\_\_\_\_

**STREET ADDRESS :** \_\_\_\_\_

**CITY/STATE/COUNTY (Required):** \_\_\_\_\_

**TELEPHONE (Optional):** \_\_\_\_\_

**RECORDS REQUESTED:**

*\*Provide as much specific detail as possible so the agency can identify the information.*

**DO YOU WANT COPIES? YES or NO**

**DO YOU WANT TO INSPECT THE RECORDS? YES or NO**

**DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO**

**RIGHT TO KNOW OFFICER:**

**DATE RECEIVED BY THE AGENCY:**

**AGENCY FIVE (5)-DAY RESPONSE DUE:**

*\*\*Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

[Pa.B. Doc. No. 08-2271. Filed for public inspection December 12, 2008, 9:00 a.m.]

# PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

## Financial Statement

Under the provisions of section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. §§ 12720.101—12720.709) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a “concise financial statement” annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2008, which includes an audit for such period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority’s web site, [www.picapa.org](http://www.picapa.org) or at 1500 Walnut Street, Suite 1600, Philadelphia, PA 19102, (215) 561-9160.

URI Z. MONSON,  
*Executive Director*

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY**  
**STATEMENT OF NET ASSETS**  
**JUNE 30, 2008**

**ASSETS**

	<b>Governmental Activities</b>
<b>CURRENT ASSETS</b>	
Cash, cash equivalents and short-term investments	\$147,659,791
PICA taxes receivable	8,183,893
Accrued interest receivable	185,800
Total current assets	156,029,484
<b>OTHER ASSETS</b>	10,948,309
<b>TOTAL</b>	<b>\$166,977,793</b>

**LIABILITIES AND NET ASSETS (DEFICIT)**

<b>CURRENT LIABILITIES</b>	
Accounts payable and accrued expenses	\$ 186,375
Due to the City of Philadelphia	9,526,980
Deferred revenue	23,836,279
Bonds payable—current portion	42,415,000
Total current liabilities	75,964,634
<b>BONDS PAYABLE—Long-term portion</b>	529,680,000
Total liabilities	605,644,634
<b>NET ASSETS (DEFICIT):</b>	
Restricted for debt service	78,936,471
Restricted for benefit of the City of Philadelphia	31,751,882
Restricted for subsequent PICA administration	1,565,500
Unrestricted deficit	(550,920,694)
Total net assets (deficit)	(438,666,841)
<b>TOTAL</b>	<b>\$166,977,793</b>

The accompanying notes are an integral part of this statement.

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY**  
**STATEMENT OF ACTIVITIES**  
**JUNE 30, 2008**

	<b>Governmental Activities</b>
<b>EXPENSES</b>	
Grants to the City of Philadelphia	\$264,191,114
General management and support— general operations	1,266,171
Interest expense on long term debt	35,981,613
Investment expenses	507,776
Amortization on bond costs	26,540
Write-off of bond issuance costs	2,780,780
	<u>304,753,994</u>
<b>PROGRAM REVENUES</b>	
Premium amortization	1,615,282
Investment income - net	7,202,098
	<u>8,817,380</u>
Program revenues	<u>8,817,380</u>
Net program expenses	<u>295,936,614</u>
<b>GENERAL REVENUES</b>	
PICA taxes	341,971,598
Other	330,228
Interest	535,415
	<u>342,837,241</u>
Total general revenues	<u>342,837,241</u>
DECREASE IN NET DEFICIT	46,900,627
NET ASSETS (DEFICIT)—Beginning of year	<u>(485,567,468)</u>
NET ASSETS (DEFICIT)—End of year	<u>(\$438,666,841)</u>

The accompanying notes are an integral part of this statement.

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
BALANCE SHEET - GOVERNMENTAL FUNDS  
JUNE 30, 2008

	General	Public Service Funds				Waste Fund	Expendable Trust Funds		Total Committed Funds
		1996	2000	1999	2003		1993	1994	
<b>ASSETS</b>									
<b>CURRENT ASSETS:</b>									
Cash, cash equivalents and short-term investments	\$3,374,392	\$	\$1,057,118	\$4,076,279	\$36,673	\$1,972,264	\$12,027,220	\$2,491,007	\$16,988,259
P.C.A. loans receivable	47,921		1,278	38,880	56	2,777	17,781	3,598	21,357
Accounts receivable									183,894
Inventory									5,766,732
Prepaid expenses									
Deferred revenue									
Identifiable intangible assets									
Total current assets	3,374,313	9,326,980	1,038,496	4,117,259	36,729	1,975,041	12,645,501	2,494,515	16,611,866
<b>OTHER ASSETS</b>									
Retained earnings	7,984,629								1,984,629
Total	\$43,310,942	\$9,326,980	\$1,038,496	\$4,117,259	\$36,729	\$1,975,041	\$12,645,501	\$2,494,515	\$16,611,866
<b>LIABILITIES AND FUND EQUITY</b>									
<b>CURRENT LIABILITIES:</b>									
Accounts payable	\$86,081		\$72,343						\$159,324
Accrued interest and taxes	27,055								27,055
Due to the City of Philadelphia	9,700,000								9,700,000
Deferred revenue	5,600,000								14,500,000
Identifiable intangible assets									2,065,732
Total current liabilities	15,414,036		72,343						29,650,091
<b>FUND EQUITY:</b>									
Fund balance:									
Unreserved	7,436,013		966,153	4,117,259	36,729	1,975,041	12,645,501	2,494,515	16,611,866
Reserved for debt service									
Reserved for capital projects of the City of Philadelphia									
Reserved for subsequent P.C.A. administration									
Designated for future acquisition activity									
Total fund equity	20,460,893		966,153	4,117,259	36,729	1,975,041	12,645,501	2,494,515	16,611,866
Total	\$43,310,942	\$9,326,980	\$1,038,496	\$4,117,259	\$36,729	\$1,975,041	\$12,645,501	\$2,494,515	\$16,611,866

Amounts reported for governmental activities in the statement of net assets are different than the amounts reported in the statement of net assets because certain long-term liabilities are not used payable in the current period and therefore are not reported in the funds. Swap positions are disclosed and amortized over the life of the agreement in the statement of net assets. Forward delivery agreements premiums is amortized over the life of the agreement in the statement of net assets. Bond issuance costs are recorded and amortized in the statement of net assets.

Net assets of governmental activities

(27,795,600)

(12,344,450)

3,175,278

2,316,609

(248,256,811)

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS  
YEAR ENDED JUNE 30, 2008

	General	PICA Tax Revenue	1996	2000	2003	2006	2007	2008	Debit Service Fund	2006	2007	2008	Debit Service Reserve Fund	2007	2008	Robust Fund	1992	2007	2008	Expendable Trust Funds Capital Projects Fund	1992	2007	2008	Total Governmental Funds
REVENUES:																								
PICA Taxes	\$ 1,139,757	\$ 341,971,598	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 341,971,598
Investment income - net	-	535,415	7	1,530	727,388	60,613	60,613	60,613	4,126,795	60,613	727,388	60,613	4,126,795	60,613	60,613	58,482	375,708	375,708	82,610	82,610	375,708	375,708	82,610	732,513
Other	-	330,228	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	330,228
Total revenues	1,139,757	342,837,241	7	1,530	727,388	60,613	60,613	60,613	4,126,795	60,613	727,388	60,613	4,126,795	60,613	60,613	58,482	375,708	375,708	82,610	82,610	375,708	375,708	82,610	350,039,339
EXPENDITURES:																								
Grant to the City of Philadelphia		261,242,355																						261,242,355
Debit service:																								
Principal				311,640	37,420,600	4,675,000	4,675,000	4,675,000	8,345,680	4,675,000	37,420,600	4,675,000	8,345,680	4,675,000	4,675,000									50,440,000
Interest				2,990,221	20,146,697	3,765,587	3,765,587	3,765,587	9,173,689	3,765,587	20,146,697	3,765,587	9,173,689	3,765,587	3,765,587									35,981,613
Administration				97,164	-	171,870	171,870	171,870	236,752	171,870	-	171,870	236,752	171,870	171,870									507,776
Investment expense	150	6,840	-	-	-	-	-	-	-	-	-	-	-	-	-									1,266,173
Operations	1,266,173	-	-	-	57,266,697	10,622,457	10,622,457	10,622,457	18,317,441	10,622,457	57,266,697	10,622,457	18,317,441	10,622,457	10,622,457									355,376,899
Total expenditures	(126,568)	81,588,846	7	(3,394,955)	(56,839,309)	(10,571,844)	(10,571,844)	(10,571,844)	(18,233,110)	(10,571,844)	(56,839,309)	(18,233,110)	(18,233,110)	(10,571,844)	(10,571,844)	58,482	245,708	245,708	(232,590)	(232,590)	245,708	(1,959,282)	(6,537,560)	
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	1,013,189	261,242,355	0	4,924,985	270,548	131,220	131,220	131,220	4,093,685	131,220	270,548	131,220	4,093,685	131,220	131,220	1,918,559	130,000	130,000	315,000	315,000	130,000	130,000	315,000	50,440,000
OTHER FINANCING SOURCES (USES)																								
Net operating transfer in (out)	1,487,194	(81,588,046)	(7)	4,360,648	(56,053,211)	9,140,213	9,140,213	9,140,213	(8,184,852)	9,140,213	(56,053,211)	(8,184,852)	(8,184,852)	9,140,213	9,140,213									50,440,000
SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	1,360,626	-	-	966,133	(786,663)	(1,451,631)	(1,451,631)	(1,451,631)	499,549	(1,451,631)	(786,663)	(1,451,631)	(1,451,631)	499,549	499,549	58,482	245,708	245,708	(232,590)	(232,590)	245,708	(1,959,282)	(5,337,560)	
FUND BALANCES, JULY 1, 2007	26,536,280	-	244	-	4,903,357	1,468,830	1,468,830	1,468,830	(463,840)	1,468,830	4,903,357	(463,840)	77,429,423	77,429,423	77,429,423	1,918,559	12,399,793	12,399,793	2,727,835	2,727,835	12,399,793	12,399,793	2,727,835	145,488,319
FUND BALANCES, JUNE 30, 2008	\$ 27,896,906	\$ -	\$ 244	\$ 966,133	\$ 4,117,259	\$ 33,219	\$ 33,219	\$ 33,219	\$ 346,729	\$ 33,219	\$ 4,117,259	\$ 346,729	\$ 73,371,326	\$ 73,371,326	\$ 73,371,326	\$ 1,975,041	\$ 12,644,501	\$ 12,644,501	\$ 2,494,315	\$ 2,494,315	\$ 12,644,501	\$ 12,644,501	\$ 2,494,315	\$ 150,190,159

Reconciliation of change in fund balance to change in net assets:  
Change in fund balance (5,337,560)  
Repayment of bond principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets 50,440,000  
Swap and forward delivery agreement premiums are deferred and amortized over the life of the new debt on the statement of net assets 1,615,286  
Bond issuance costs written off on statement of assets (2,780,780)  
Bond issuance costs paid and capitalized on statement of assets 2,990,221  
Bond issuance costs are accrued and amortized on the statement of net assets (26,549)  
Change in net assets \$ 46,903,627

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Indirect Transfer of Control

**A-2008-2076038. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Embarq Communications, Inc.** Joint application of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Embarq Communications, Inc., for approval of the Indirect Transfer of Control to CenturyTel, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 23, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania

*Through and By Counsel:* Zsuzsanna E. Benedek, Esquire, 240 North Third Street, Suite 201, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-2273. Filed for public inspection December 12, 2008, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 29, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-2008-2076637. Joseph J. Yates** (P. O. Box 183, Springboro, Crawford County, PA 16435)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Tyler Sanabria, t/a TST Trucking; Doc. No. C-2008-2024302*

## COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Tyler Sanabria, t/a TST Trucking, respondent, maintains his principal place of business at 38 Ardsley Drive, Dover, PA 19004.

2. That respondent was issued a certificate of public convenience by this Commission on June 29, 2007, for property authority at Application Docket No. A-00123890.

3. That on September 3, 2007, Enforcement Officer John Theodosiades visited respondent's place of business at 277 Wembly Road, Upper Darby, and left a note for respondent to contact him by telephone in reference to scheduling his Safety Fitness Review for his trucking company. Officer Theodosiades also left Mr. Sanabria an approved informational packet. On September 8, 2007, Officer Theodosiades contacted respondent by telephone to ascertain if respondent had received the informational packet that was left in his door and offer Mr. Sanabria his assistance. On September 25, 2007, Officer Theodosiades informed the respondent that his Safety Fitness Review was scheduled for October 31, 2007. On October 31, 2007, Officer Theodosiades arrived at respondent's place of business and no one responded to his knocking on the door. Officer Theodosiades left a note which included his telephone number and requested Mr. Sanabria to call him. Failing to receive any communication from respondent, Officer Theodosiades attempted to contact Mr. Sanabria 20 times by telephone with no success. A letter dated December 3, 2007, was sent to Mr. Sanabria, informing him of an appointment on December 19, 2007, to conduct the Safety Fitness Review. On December 19, 2007, Officer Theodosiades went to respondent's place of business and knocked on the door. Again, no one answered the door. Officer Theodosiades waited one hour and knocked on the respondent's door, again no response.

4. That to date, respondent has failed to submit his company to a Safety Fitness Review. A satisfactory fitness rating must be achieved by respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

5. That respondent, by failing to obey and comply with a Commission Secretarial letter directing respondent to submit his company to a safety fitness review, violated 66 Pa.C.S. § 501(c), and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Tyler Sanabria, t/a TST Trucking's certificate of public convenience at A-00123890.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the out come. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. The penalty could include the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. If you file an answer which admits or fails to deny the allegation of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

[Pa.B. Doc. No. 08-2274. Filed for public inspection December 12, 2008, 9:00 a.m.]

**Telecommunications Services**

**A-310651F0002AMA-AMG, A-2008-2073665. Service Electric Telephone Company, LLC.** Application of Service Electric Telephone Company, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Buffalo Valley Telephone Company; Conestoga Telephone and Telegraph Company;

Denver and Ephrata Telephone and Telegraph Telephone Company; Frontier Communications Commonwealth Telephone Company, LLC; Frontier Communications of Lake-wood, LLC; Frontier Communications of Pennsylvania, LLC; TDS Telecom Mahanoy and Mahantango Telephone Company and Windstream Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 20, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Service Electric Telephone Company, LLC

*Through and By Counsel:* James H. Lister, Birch Horton Bittner and Cherot, Suite 1200, 1155 Connecticut Avenue NW, Washington, DC 20036

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-2275. Filed for public inspection December 12, 2008, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Approval of PSSA Science Performance Level Descriptors and Cut Scores

At its regular public meeting held September 18, 2008, the State Board of Education (Board) approved new Pennsylvania System of School Assessment (PSSA) performance level descriptors and performance level cut scores for certain grades in science that were recommended to the Board by the Department of Education (Department). The approved performance level descriptors and PSSA performance level cut scores are based upon the recommendations of teachers, administrators, university faculty and intermediate unit staff who participated in multiday workshops facilitated by the Department's assessment contractor.

The performance level cut scores in science for grades 4, 8 and 11 as well as the science performance level cut scores for the same grades were developed for the first time as 2007-2008 school year was the first year in which the PSSA science assessments were administered in these grade levels. The Federal No Child Left Behind Act of 2001 requires that states begin assessing science in grades 4, 8 and 11 in the 2007-2008 school year. It is important to note that the PSSA Science Assessment, while required by NCLB, is not considered when determining whether a school makes Adequate Yearly Progress (AYP). In addition, current state high school graduation requirements do not require students to demonstrate proficiency on the PSSA Science Assessment; rather school districts determine whether students are proficient in science using local assessments in order to graduate from high school. (See 22 Pa. Code § 4.24(a) (relating to high school graduate requirements).)



The Board action was taken under general authority granted to it by the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702) and in accordance with specific provisions of the Board's regulations codified at 22 Pa. Code Chapter 4 (relating to academic standards and assessment). The approved PSSA performance level cut scores are described *infra* in the Appendix. The performance level descriptors are available for review on the Department's web site at [www.ped.state.pa.us](http://www.ped.state.pa.us).

#### *Background*

Published at 29 Pa.B. 399 (January 16, 1999), the regulations of the Board now codified at 22 Pa. Code Chapter 4 "establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined." See 22 Pa. Code § 4.2 (relating to purpose). To help accomplish these goals, the Board established in Chapter 4 a State assessment system. The State assessment system is designed specifically to accomplish the following purposes:

- (1) Provide students, parents, educators and citizens with an understanding of student and school performance.
- (2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).
- (3) Provide results to school districts, including charter schools, and AVTSs for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).
- (4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.
- (5) Provide information to the general public on school performance.
- (6) Provide results to school districts, including charter schools, and AVTSs based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP. See 22 Pa. Code § 4.51(a) (relating to State assessment system).

The State assessments must be administered annually and include assessments of the State academic standards in mathematics and reading at grades 3—8 and 11 and in writing at grades 5, 8 and 11 and in science at grades 4, 8 and 11. See 22 Pa. Code §§ 4.51(d) and 403.3(d) (relating to single accountability system).

The Secretary of Education has the authority to establish guidelines for the administration of the State assessment system. See 22 Pa. Code § 4.51(h).

The performance level cut scores and performance level descriptors for reading and mathematics in grades 5, 8 and 11 were first established and published at 31 Pa.B. 2763 (May 26, 2001). The performance level descriptors and performance level cut scores were updated and revised for reading and mathematics in grades 5, 8 and 11 and newly established for grade 3 in June and September 2005. These revisions were published at 35 Pa.B. 5442 (October 1, 2005). The performance level descriptors and performance level cut scores for grades 4,

6 and 7 in reading and mathematics were established in July 2006. They were published at 36 Pa.B. 3934 (July 22, 2006).

#### *Development and Approval of Scores*

As part of the State assessment system established by the regulations, the Board delegated to the Department the very important task of developing specific criteria for each of the performance levels prescribed by § 4.51 (b)(4)—advanced, proficient, basic and below basic. Specifically, the Department is directed by the regulations to "consult with educators, students, parents and citizens," and then to "develop and recommend to the Board for its approval specific criteria for each performance level." *Id.*

As reported to the Board at its September 18, 2008, meeting, the Department met with educators from across this Commonwealth to assist the Department in developing the performance levels descriptors and scores. Based on these efforts as described in detail for the Board at its meeting, the Department recommended the performance level descriptors and scores that the Board ultimately adopted at its September 18, 2008, meeting. Before adopting the performance level descriptors and scores on September 18, 2008, the Board provided members of the public in attendance with the opportunity to comment on the Department's recommendation.

The approved performance levels (as they appear *infra*) will be applied to the 2008 PSSA test scores, which will be publicly released in September 2008. The Department and the Board will review the descriptors and scores periodically based on actual experience in using them and consider revisions as appropriate, using the same process prescribed by § 4.51(b)(4).

Persons with questions or needing additional information regarding the Board's approval of these performance levels descriptors and cut scores may contact Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367. Persons with questions or needing additional information regarding the development and implementation of them should contact Dr. Shula Nedley, Director, Bureau of Assessment and Accountability, 333 Market Street, Harrisburg, PA 17126-0333, (717) 705-2343 or TDD (717) 787-7367.

JIM BUCKHEIT,  
*Executive Director*

#### **Appendix**

PSSA Performance Level Cut Scores, as approved by the State Board of Education, are as follows:

#### **Performance Level Cut Scores**

<i>Performance Levels</i>	<i>Science</i>		
	<i>Grade 4</i>	<i>Grade 8</i>	<i>Grade 11</i>
Advanced	1483 and up	1464 and up	1347 and up
Proficient	1275—1482	1275—1463	1275—1346
Basic	1150—1274	1150—1274	1150—1274
Below Basic	1149 and below	1149 and below	1149 and below

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