

# PENNSYLVANIA BULLETIN

Volume 39

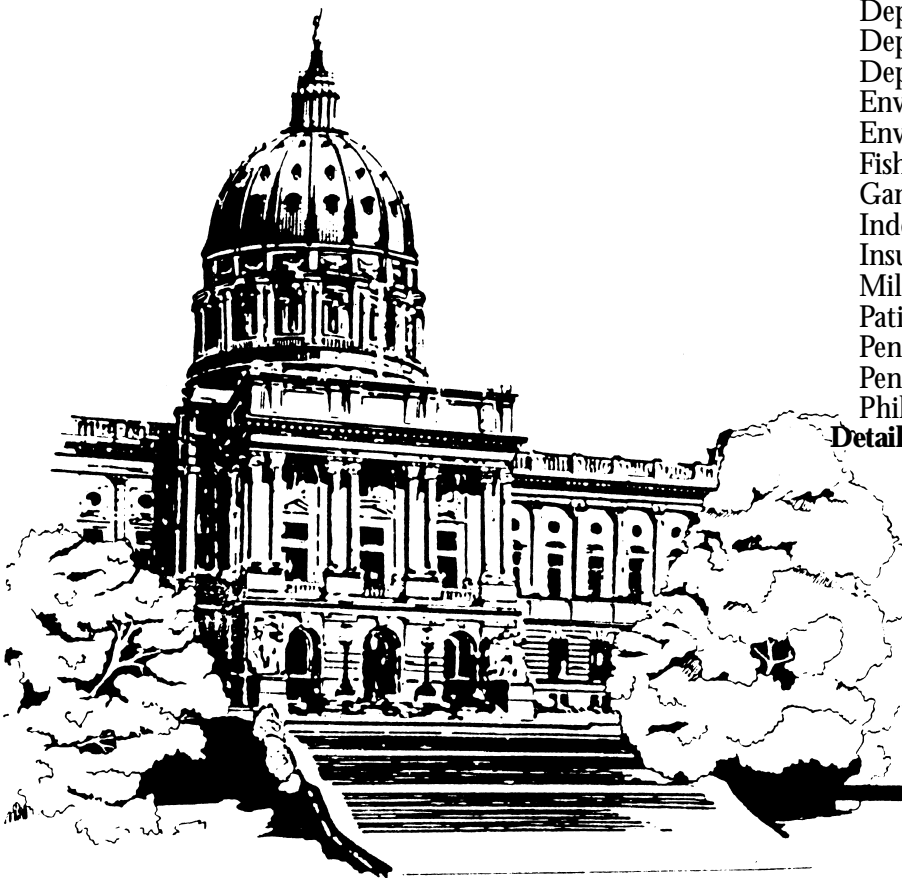
Number 10

Saturday, March 7, 2009 • Harrisburg, PA

Pages 1191—1284

## Agencies in this issue

The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Fish and Boat Commission  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Milk Marketing Board  
Patient Safety Authority  
Pennsylvania Energy Development Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 412, March 2009**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**

**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2009 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

### LOCAL COURT RULES

#### Fayette County

Booking center processing fee; criminal division; no. 1 AD 2009 ..... 1199

#### Lehigh County

Assessment of costs for regional central booking center; no. AD-2-2009 ..... 1199

#### Pike County

Legal journal; no. 258-2009 ..... 1200

### PHILADELPHIA RULES

Philadelphia Municipal Court; civil division; municipal court administrative regulation 09-2; notice to the bar ..... 1199

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Actions on applications ..... 1214

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Consolidated Plan; 2008 annual performance and evaluation report ..... 1214

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Executive of oil and gas lease for State forest lands ..... 1215

### DEPARTMENT OF ENVIRONMENTAL PROTECTION Rules and Regulations

Corrective amendment to 25 Pa. Code Chapter 218 ..... 1201

#### Notices

Applications, actions and special notices ..... 1215

Bid opportunity (3 documents) ..... 1264

Board of Coal Mine Safety; 2009 meetings scheduled ..... 1265

Proposed total maximum daily load (TMDL):  
Stoney Run Watershed, Westmoreland County .. 1263

Vessel General Permit Certification letter ..... 1265

### DEPARTMENT OF HEALTH

#### Notices

Application for exception:  
Butler Memorial Hospital ..... 1265  
Fairgrounds Surgical Center ..... 1266  
28 Pa. Code § 127.32 ..... 1265  
Mercy Hospital Scranton ..... 1266  
Mount Nittany Surgical Center ..... 1266  
Waynesboro Hospital ..... 1266  
The Western Pennsylvania Hospital ..... 1267

Chronic Renal Disease Advisory Committee meeting ..... 1267

Governor's Advisory Council on Physical Fitness and Sports Committee meeting ..... 1267

Pennsylvania Cancer Control, Prevention and Research Advisory Board meeting ..... 1267

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notice

Public comment on the proposed Federal fiscal year 2010 Combined Agency State Plan attachments; times announced for public comment ..... 1268

### DEPARTMENT OF PUBLIC WELFARE

#### Notice

Additional class of disproportionate share payments to qualifying teaching hospitals ..... 1271

Additional class of payments to qualifying acute care general hospitals for obstetrical services ... 1272

Medical Assistance Program outpatient fee schedule revisions for vision services ..... 1272

Supplemental payments for burn center services .. 1272

### DEPARTMENT OF REVENUE

#### Proposed Rulemaking

Amended report—corporation taxes ..... 1207

Clothing ..... 1209

#### Notices

Match 6 Lotto ..... 1273

Pennsylvania Super 7 Terminal-Based lottery game ..... 1273

### DEPARTMENT OF TRANSPORTATION

#### Notices

Sale of land no longer needed for transportation purposes (2 documents) ..... 1276

### ENVIRONMENTAL HEARING BOARD

#### Notices

Exelon Generation Company, LLC v. DEP; EHB doc. no. 2009-025-C ..... 1276

Joseph and Kathleen Barry v. DEP; EHB doc. no. 2009-017-C ..... 1277

### ENVIRONMENTAL QUALITY BOARD

#### Notices

Meeting cancellation ..... 1277

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Insurance Department ..... 1212

### FISH AND BOAT COMMISSION

#### Rules and Regulations

Fishing (2 documents) ..... 1201, 1202

#### Notices

Lake Erie commercial fishing—2009 ..... 1277

---

**Now Available Online at <http://www.pabulletin.com>**

---

**GAME COMMISSION**

**Rules and Regulations**

Special permits ..... 1205

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notices**

Notice of comments issued ..... 1278

Notice of filing of final rulemakings ..... 1280

**INSURANCE DEPARTMENT**

**Notices**

JL Holdings, LLC; prehearing ..... 1280

Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation and The First Liberty Insurance Corporation; private passenger automobile; rate and rule revisions; rate filing ..... 1280

Nationwide Mutual Fire Insurance Company; homeowners rate and rule filing; rate filing ..... 1281

Review procedure hearings under the Unfair Insurance Practices Act ..... 1281

**MILK MARKETING BOARD**

**Notices**

Hearing and presubmission schedule; milk marketing area no. 3; general price hearing ..... 1281

Hearing and presubmission schedule; milk marketing area no. 4; general price hearing ..... 1282

**PATIENT SAFETY AUTHORITY**

**Notices**

Public meeting ..... 1283

**PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY**

**Notices**

Board meeting ..... 1283

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Electric Rate Mitigation Plan ..... 1283

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids (5 documents) ..... 1283, 1284

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

### **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

### **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

### ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

<b>4 Pa. Code (Administration)</b>		<b>Statements of Policy</b>	
<b>Adopted Rules</b>		2600 .....	26
6 .....	406	3270 .....	1011
		3280 .....	1011
<b>Statements of Policy</b>		3290 .....	1011
9 .....	427, 1008, 1212		
<b>7 Pa. Code (Agriculture)</b>		<b>58 Pa. Code (Recreation)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
143 .....	308	29 .....	523
		61 .....	1201
<b>Statements of Policy</b>		75 .....	1202
28 .....	310	141 .....	1110
		147 .....	1205
<b>22 Pa. Code (Education)</b>		401a .....	235
<b>Adopted Rules</b>		443a .....	21
14 .....	17		
<b>25 Pa. Code (Environmental Protection)</b>		<b>Proposed Rules</b>	
<b>Adopted Rules</b>		403a .....	418
218 .....	1201	435a .....	418
260a .....	201	437a .....	1003
261a .....	201	441a .....	418
262a .....	201	461a .....	418, 423
263a .....	201	463a .....	423
264a .....	201	465a .....	418
265a .....	201		
266a .....	201	<b>Statements of Policy</b>	
266b .....	201	461b .....	685
267a .....	201		
269a .....	201	<b>61 Pa. Code (Revenue)</b>	
270a .....	201	<b>Proposed Rules</b>	
806 .....	19	53 .....	1209
		151 .....	1207
<b>Proposed Rules</b>		153 .....	1207
78 .....	838		
<b>31 Pa. Code (Insurance)</b>		<b>67 Pa. Code (Transportation)</b>	
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
139 .....	996	229 .....	997
		231 .....	999
<b>Proposed Rules</b>			
147 .....	841	<b>207 Pa. Code (Judicial Conduct)</b>	
		<b>Adopted Rules</b>	
<b>40 Pa. Code (Liquor)</b>		51 .....	675
<b>Adopted Rules</b>			
13 .....	682	<b>210 Pa. Code (Appellate Procedure)</b>	
		<b>Adopted Rules</b>	
<b>49 Pa. Code (Professional and Vocational Standards)</b>		1 .....	508, 1094
<b>Adopted Rules</b>		9 .....	508, 1094
7 .....	219	11 .....	508, 1094
13 (correction) .....	414, 523	19 .....	508, 1094
47 .....	417	21 .....	508, 1094
		25 .....	508, 1094
<b>Proposed Rules</b>		37 .....	508, 1094
5 .....	1004		
39 .....	1005	<b>225 Pa. Code (Rules of Evidence)</b>	
		<b>Adopted Rules</b>	
<b>52 Pa. Code (Public Utilities)</b>		ART. I .....	410
<b>Proposed Rules</b>			
56 .....	925	<b>231 Pa. Code (Rules of Civil Procedure)</b>	
		<b>Adopted Rules</b>	
<b>55 Pa. Code (Public Welfare)</b>		200 .....	304
<b>Proposed Rules</b>		1000 .....	676
501 .....	1114	2950 .....	304

**234 Pa. Code (Rules of Criminal Procedure)**  
**Adopted Rules**  
1 ..... 829, 1106  
4 ..... 8

**Proposed Rules**  
4 ..... 983  
5 ..... 991  
7 ..... 983

**237 Pa. Code (Juvenile Rules)**  
**Adopted Rules**  
2 ..... 676  
3 ..... 676

**Proposed Rules**  
16 ..... 9

**249 Pa. Code (Philadelphia Rules)**  
Unclassified ..... 189, 192, 830, 1199

**252 Pa. Code (Allegheny County Rules)**  
Unclassified ..... 994

**255 Pa. Code (Local Court Rules)**  
Unclassified ... 10, 16, 306, 306, 513, 514, 517, 520, 679,  
680, 832, 833, 835, 994, 995, 1107, 1199, 1200



# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**Philadelphia Municipal Court; Civil Division; Municipal Court Administrative Regulation 09-2; Notice to the Bar**

#### Re: CLAIMS Electronic Filing System

The electronic filing of all civil trial activity from case initiation through post judgment proceedings by attorneys in the Philadelphia Municipal Court shall be mandatory effective Monday, March 2, 2009.

Attorneys are reminded that the manual for the use of the CLAIMS Electronic Filing System is available on the First Judicial District's web site ([courts.phila.gov](http://courts.phila.gov)).

MARSHA H. NEIFIELD,  
*President Judge*

BRADLEY K. MOSS,  
*Supervising Judge  
Civil Division*

[Pa.B. Doc. No. 09-403. Filed for public inspection March 6, 2009, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

**Booking Center Processing Fee; Criminal Division; No. 1 AD 2009**

#### Administrative Order

*And Now*, this 12th day of February 2009, it is Hereby Ordered, that the Court of Fayette County adopts a countywide Regional Booking Center (RBC) procedures plan as follows.

1. The Regional Booking Center (RBC) is to be located at the Uniontown Police Department.

2. The purpose of the RBC is to efficiently process defendants charged with criminal actions. The process shall include, but not limited to, fingerprinting, photographing and determining prior records of defendants being processed.

3. In all cases in which the defendant has been charged with an offense graded as a misdemeanor or greater, the defendant shall be required to appear either at the Pennsylvania State Police Barracks, if arrested by the member of the Pennsylvania State Police, or, if arrested by an arresting authority other than the Pennsylvania State Police at the Fayette County Regional Booking Center, (RBC), located in the Uniontown Police Department or at such other locations designated, in writing, by the President Judge of Fayette County Court of Common Pleas, for fingerprinting and processing.

4. Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of

persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of that summary offense. The Regional Booking Center shall serve as the designated fingerprinting and processing site for all arresting authorities in Fayette County other than the Pennsylvania State Police. The State Police Barracks shall serve as the designated fingerprinting site for the Pennsylvania State Police.

5. In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of a misdemeanor, felony or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense. An order shall be issued from the Court of Common Pleas after such conviction directing the defendant to report to the RBC to be fingerprinted and photographed.

6. In cases which proceed by issuance of a summons, the Magisterial District Judge presiding at the scheduled Preliminary Hearing shall order the defendant to submit to the RBC within five (5) days following the date of issuance of such order.

7. A booking fee of \$150.00 shall be assessed and collected by the Fayette County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitative Disposition Program.

8. This fee will not apply to those defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

9. The RBC shall also serve as a processing center for all parties required to be registered and processed under the provisions of 42 Pa.C.S.A. § 9791, et. seq., commonly known as "Megan's Law," pursuant to 42 Pa.C.S.A. § 95.2(d), if determined by the Pennsylvania State Police to be an "approved registration site" pursuant to 42 Pa.C.S.A. § 9799.1.

CONRAD B. CAPUZZI,  
*President Judge*

[Pa.B. Doc. No. 09-404. Filed for public inspection March 6, 2009, 9:00 a.m.]

### LEHIGH COUNTY

**Assessment of Costs for Regional Central Booking Center; No. AD-2-2009**

#### Administrative Order

*And Now*, this 17 day of February, 2009, it is hereby Ordered That:

1. Effective thirty (30) days after publication in the *Pennsylvania Bulletin*, every person convicted of violating Section 3802 of the Vehicle Code, 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) and every person admitted to Accelerated Rehabilitative Disposition (ARD) for said offense shall pay a fee of \$385, which fee shall be assessed as court costs. This fee shall be in addition to all other authorized costs and supervision fees and shall be for the purpose of reimbursement for the costs of operating the

Lehigh County Central Booking Center (other than costs for using two-way simultaneous audiovisual communication which are nonreimbursable under Pa.R.Crim.P. 118), but including the costs of processing, booking, testing and laboratory fees. The funds so collected shall be paid into the General Fund of the County of Lehigh, but separately identified in the County's records so that the amounts collected during any given period can be readily ascertained.

2. Effective thirty (30) days after publication in the *Pennsylvania Bulletin*, every person processed through the Regional Central Booking Center except those defendants charged with the offense of driving under the influence of alcohol or controlled substance under 75 Pa.C.S. § 3802, who are liable for the costs established in paragraph 1 of this Administrative Order, and charged with a misdemeanor or felony offense, and are subsequently convicted or admitted into a diversionary program such as Accelerated Rehabilitative Disposition (ARD) shall pay a fee of \$300.00, which fee shall be as court costs. This fee shall be in addition to all other authorized costs and supervision fees and shall be for the purpose of reimbursement for the costs of operating the Lehigh County Central Booking Center (other than costs for using two-way simultaneous audio-visual communication which are nonreimbursable under Pa.R.Crim.P. 118), but including the costs of processing and booking the defendant. The funds so collected shall be paid into the General Fund of the County of Lehigh, but separately identified in the County's records so that the amounts collected during any given period can be readily ascertained.

*This Order Supersedes and Replaces* the Administrative Order of November 21, 2008, filed to No. AD-23-207, and published in the *Pennsylvania Bulletin*, 37 Pa.B. 6513 (December 15, 2007), and shall apply to all defendants and cases in which disposition occurs on or after this Administrative Order becomes effective.

*It Is Further Ordered That* one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at [ujsportal.pacourts.us/localrules/ruleselection.aspx](http://ujsportal.pacourts.us/localrules/ruleselection.aspx).

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

[Pa.B. Doc. No. 09-405. Filed for public inspection March 6, 2009, 9:00 a.m.]

---

**PIKE COUNTY**  
**Legal Journal; No. 258-2009**

**Administrative Order**

*And Now*, this 10th day of February, 2009, the Court hereby designates the *Pike County Legal Journal* as the legal publication for Pike County and all notices and special service required by Rule or Statute to appear in the legal journal of the County shall be published in the *Pike County Legal Journal*.

HONORABLE JOSEPH F. KAMEEN,  
*President Judge*

[Pa.B. Doc. No. 09-406. Filed for public inspection March 6, 2009, 9:00 a.m.]

---

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[ 25 PA. CODE CH. 218 ]

### Corrective Amendment to 25 Pa. Code Chapter 218

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code Chapter 218 (relating to fees), as deposited with the Legislative Reference Bureau and the official text published at 38 Pa.B. 6275 (November 15, 2008). The addition of § 218.11a (relating to special provisions for calculating fees during agreement state transition period) was inadvertently omitted from the ordering language at 38 Pa.B. 6278.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code Chapter 218. The corrective amendment to 25 Pa. Code Chapter 218 is effective as of January 1, 2009, the effective date stated in the ordering language at 38 Pa.B. 6278.

The correct version of 25 Pa. Code § 218.11a appears in Annex A.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE V. RADIOLOGICAL HEALTH

#### CHAPTER 218. FEES

#### § 218.11a. Special provisions for calculating fees during agreement state transition period.

(a) The fees for the NRC licenses that are transferred to the Commonwealth on the date the Commonwealth becomes an agreement state will be invoiced on the license's next anniversary date.

(b) During the first year after the date the Department attains agreement state status, the annual fee for each NRC license transferred to the Commonwealth will include a proportional amount, based on the schedule of fees in Appendix A, for the period from the date agreement state status is attained until the license's next anniversary date, in addition to the amount assessed for the year following the license's anniversary date.

(c) In the event that the Commonwealth attains agreement state status prior to January 1, 2009, the provisions of this section and § 218.11 and Appendix A (relating to registration, renewal of registration and fees; and fees for radioactive material licenses) will be applied retroactively to NRC licenses transferred to the Commonwealth.

[Pa.B. Doc. No. 09-407. Filed for public inspection March 6, 2009, 9:00 a.m.]

## Title 58—RECREATION

FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 61 ]

### Fishing

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. *Effective Date*

The final-form rulemaking will go into effect on April 1, 2009.

#### B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The amendments to § 61.2 (relating to Delaware River and River Estuary) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. *Summary of Changes*

Since 1992, during the time period when Delaware River and Estuary striped bass were in restoration mode, there has been an April and May closure to the harvest of striped bass from the spawning grounds in Pennsylvania, New Jersey and Delaware. The Commission's regulation in § 61.2 defines the segment to which the closure applies as extending from the Pennsylvania/Delaware State line upstream to the Calhoun Street Bridge, which is located just upstream from the head-of-tide and joins Morrisville, PA with Trenton, NJ.

In 1997, the Atlantic States Marine Fisheries Commission (ASMFC) declared that the Delaware River stock of striped bass had been restored to historical population levels based on high juvenile recruitment, high spawning stock biomass and low fishing mortality. Despite being restored, management of the fishery within the Basin states remained conservative with high size limits (28 inches), low creel limits (two fish per day) and spawning ground closures to harvest. In this Commonwealth, this meant that the season downstream from Calhoun Street Bridge closed on April 1, just as the adult striped bass population was building, and reopened on June 1, just as the bulk of the adult striped bass population had emigrated from this Commonwealth. This Commonwealth's anglers were given little opportunity to harvest striped bass, and striped bass angling when fish were most abundant was discouraged by the season closure.

Delaware River and Estuary striped bass harvest has been low. During the 2002 four state creel census, only 582 striped bass were harvested in the stretch that

extended from the Delaware River Memorial Bridge near Wilmington, DE upstream to the river's branches in New York. The Commonwealth's tagging data supported this observation of low harvest, particularly from this Commonwealth. Of the 2,872 striped bass that were tagged in the Delaware Estuary spawning grounds between Pennsylvania and New Jersey from 1995-2007, only 34 tags were returned from Pennsylvania's waters. Observations by the Commission's waterways conservation officers and biologists have been that the vast majority of striped bass caught in this Commonwealth are yearlings, 2-year olds, and some 3-year olds caught in late spring and summer as by-catch in other fisheries and as a targeted catch and release fishery in the tidal and nontidal river.

Male striped bass are abundant during April and May on the spawning grounds and about 90% are shorter than the 28 inch length limit. Furthermore, very few sublegal female striped bass are present on the spawning grounds. This Commonwealth's anglers desire an opportunity to take advantage of this restored striped bass population and the potentially excellent fishing that it could provide. Past regulatory and habitat protection efforts by the Commission have largely benefited coastal anglers and anglers outside of this Commonwealth.

The Commission therefore proposed that an April and May fishery be established in the seasonally closed portions of the Delaware River and Estuary that is designed to specifically target mature male striped bass. The Commission also proposed that this fishery be regulated with a 20 inch to 26 inch slot limit from which two fish per day can be harvested during April and May. The Commission further proposed that there will be a 28 inch length limit and two fish per day creel limit in all other months of the year, and there will be no closed season. Regulations for the remainder of the river will remain unchanged.

The Commission coordinated this proposal with the State of Delaware, which took the lead in data analysis and reporting. The two states have made similar slot and creel limit proposals that will apply to different months of the year. Delaware's proposal will target male striped bass in summer and fall that have emigrated from the spawning grounds and taken up residency in Delaware. ASMFC's Striped Bass Management Board approved both proposals on October 20, 2008.

The Commission adopted the amendments to § 61.2 as set forth in the notice of proposed rulemaking.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Comments

A notice of proposed rulemaking was published at 38 Pa.B. 6935 (December 20, 2008). The Commission received a total of 23 public comments regarding the proposal. One comment that was received before the start of the official comment period supported the proposal. The Commission received 21 comments during the official comment period. Nineteen favored the proposal, and two opposed it. Two of the favorable comments also would like to see the April—June season extended to the upper Delaware River, with one comment suggesting a 12—20

inch limit for harvest on the upper Delaware. The other comment suggested a smaller slot limit during April—June for the entire river of 16—20 inches. One commentator thought that this proposal will help improve herring populations. One of the commentators who opposed the proposal was concerned that it will lead to greater mortality of female striped bass. After the official comment period, the Commission received one comment supporting the proposal. Copies of all public comments were provided to the Commissioners.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and all public comments received were considered.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending § 61.2 to read as set forth in 38 Pa.B. 6935.

(b) The Executive Director will submit this order and 38 Pa.B. 6935 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 38 Pa.B. 6935 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on April 1, 2009.

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

**Fiscal Note:** Fiscal Note 48A-209 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-408. Filed for public inspection March 6, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [ 58 PA. CODE CH. 75 ]

#### Fishing

The Fish and Boat Commission (Commission) amends Chapter 75 (relating to endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg,

PA 17106-7000, (717) 705-7810. This final-form rule-making is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

### C. Statutory Authority

The amendments to §§ 75.2 and 75.3 (relating to threatened species; and candidate species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

### D. Purpose and Background

The final-form rulemaking is designed to improve, update and modify the Commission's threatened and candidate species lists. The specific purposes of the amendments are described in more detail under the summary of changes.

### E. Summary of Changes

Commission staff recently reevaluated the listing/delisting process for endangered, threatened and candidate species and reviewed recent fish survey data, especially data collected by means of benthic trawling, which is a relatively new method used in the Commonwealth's rivers. Accordingly, the Commission proposed five fish species for delisting from the existing threatened or candidate species lists. The Fishes Technical Committee of Pennsylvania Biological Survey (PABS) reviewed the species proposed to be delisted and concurred with the proposed delisting.

(1) **Smallmouth Buffalo (*Ictiobus bubalus*):** The smallmouth buffalo is a large, deep-bodied sucker of the Ohio Basin that inhabits deeper sections of large rivers. It occurs in the Lake Michigan drainage and Mississippi River basin from Pennsylvania and Michigan to Montana and south to the Gulf of Mexico. It is secure or common across its range. In this Commonwealth, it inhabits the Ohio River, Monongahela River and lock and dam section of the Allegheny River.

The smallmouth buffalo has recently become common in the Ohio River and can be collected with regularity in the Monongahela and Lower Allegheny Rivers. Criswell collected in excess of 100 individuals during a single night of electrofishing on the Ohio River in 2003 and Ohio River Sanitation Commission personnel collected 49 during a survey in 1992. California University of Pennsylvania personnel collected 17 specimens on an electrofishing run on the Monongahela River in 2003, and 16 were collected by Commission staff in Pool 8 of the Allegheny River in July 2004. Argent and Kimmel (2003) considered the smallmouth buffalo common in several pools they sampled in the Allegheny and Ohio Rivers. Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. The smallmouth buffalo is absent from the majority of twentieth century collection literature; however, recent electrofishing and gill netting surveys have documented a continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers in this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing, Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream, and criteria B.4. (Summed Proportion of Watersheds Occupied), which compares all fish species documented occurrences and shows that this species is no longer rare in this Commonwealth. The Fishes Technical

Committee of the PABS reviewed the Heritage rank of the smallmouth buffalo and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify the removal of smallmouth buffalo from the Commonwealth's list of threatened fishes. Therefore, the Commission proposed that smallmouth buffalo be removed from the Commonwealth's list of threatened species.

(2) **Longhead Darter (*Percina macrocephala*):** The longhead darter is a small fish species that prefers warm rivers and large streams and occupies a wide array of habitats, including riffles and runs over substrates of clean gravel, cobble, rubble and boulders, especially at the interface areas between strong current and backwash. It also occurs in pools with both clean bottoms of gravel and rubble and those covered with silt or detritus, or both. The longhead darter occurs in the Ohio River drainage from New York to North Carolina, and west to Kentucky and Tennessee, but it is rare and highly localized in these locations. In this Commonwealth, it occurs throughout French Creek and the Allegheny River, including the lowermost sections of a number of tributaries in Crawford, Erie, Forest, McKean and Warren Counties. It formerly occurred in the Monongahela River drainage.

The longhead darter has increased its range considerably during the past 25 years. Although Cooper (1985) did not report this taxon in this Commonwealth upriver of Allegheny Reservoir, it has been collected with frequency in the upper Allegheny River as far as Roulette, Potter County, and in Cole and Potato Creeks in McKean County. It was also collected with regularity in the middle Allegheny River between the Allegheny Reservoir and the influence of the lock and dam system near East Brady, Clarion County, and in French Creek during the period 1990—present. The first recent records in the Lower Allegheny River are those of single specimens from Armstrong County in 1986 and 1987. Argent and Kimmel (2003) reported the longhead darter from Allegheny County and it was collected by Commission staff in Pool 8 of the Allegheny River in 2004 and by R. Spear during benthic trawl trials in 2005 in Pools 6—8.

Field surveys conducted throughout the historic Pennsylvania range since 1985 have documented a significant expansion in range and population size compared to pre-1985 information. Although historically represented by limited, widely scattered collections consisting of only a single or few individuals, recent research has documented continuous distribution throughout French Creek from the New York state line in Erie County to its mouth in Venango County, and the Allegheny River from Potter County downstream to Allegheny County, as well as in the lower sections of a number of larger tributaries to both. Observations of more than 100 individuals at a single station have been reported on at least three occasions, and this taxon is now locally common to abundant in both waterways.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing. The Fishes Technical Committee of PABS reviewed the Heritage rank of the longhead darter and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually

widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to make the determination that it is secure in the State at present and to justify the removal of longhead darter from the Commonwealth's list of threatened fishes. Therefore, the Commission proposed that the longhead darter be removed from the Commonwealth's list of threatened species.

(3) Channel Darter (*Percina copelandi*): Channel darters are small fish that occur primarily in clear rivers and large streams over substrates of sand and gravel. They occupy a variety of habitats, including riffles, runs, and pools, lakeshores and sluggish pools with lightly silted bottoms in the Allegheny River. During a study in the Allegheny River, channel darters were found in significantly deeper habitats than other darter species. The Channel Darter occurs in the Great Lakes/St. Lawrence and Ohio River drainages from southern Quebec and Vermont to Michigan, and south to Kentucky and Tennessee. A disjunct population exists in the Arkansas, Ouchita and Red River drainages in the southern Midwest, and additional isolated populations occur in Mississippi/Louisiana and Alabama. In this Commonwealth, they are distributed throughout most of the Allegheny and Ohio Rivers. Also a few records exist from the Lake Erie drainage.

The channel darter is locally common in sections of the Allegheny River where clean gravel substrate occurs. Recent benthic trawl surveys of the "Three Rivers" area indicate that the channel darter is the most common darter species within samples. Abundance in the wadeable Upper Allegheny River and tributaries appears to be low, and abundance is uncertain in the Lake Erie drainage. The channel darter is absent from the majority of twentieth century collection literature; however, recent electrofishing and benthic trawl surveys have documented a mostly continuous distribution throughout the Ohio and Allegheny Rivers within this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream. The Fishes Technical Committee of PABS reviewed the Heritage rank of the channel darter and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify the removal of channel darter from the Commonwealth's list of threatened fishes. Therefore, the Commission proposed that channel darter be removed from the Commonwealth's list of threatened species.

(4) River Redhorse (*Moxostoma carinatum*): The river redhorse is a large sucker that inhabits rivers and large creeks. It prefers clearer waters and gravelly or rocky substrates in flowing pools and runs. The river redhorse's enlarged pharyngeal arches and molariform teeth make it well suited for crushing the shells of mollusks, an important component of its diet. The river redhorse occurs in the St. Lawrence, Great Lakes and Mississippi River drainages from southern Quebec to central Minnesota and western Iowa, south to northern Alabama and eastern Oklahoma, and on the Gulf Slope from Florida to

Louisiana and Mississippi. In this Commonwealth, it occurs in the Ohio River drainage, including the Allegheny, Beaver, Monongahela, Ohio, Shenango and Youghiogheny Rivers.

Although never abundant, the river redhorse can now be collected regularly in the Allegheny and Ohio Rivers and to a lesser extent in the Monongahela River. It was collected recently in the Shenango River as well. This is the first record there since 1933. Its former and present scarcity may be attributed in part to the difficulty in sampling its large river habitat. Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. The river redhorse is absent from the majority of 20th century collection literature; however, recent electrofishing and gill netting surveys have documented a continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers and in Lake Erie within this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/de-listing criteria and met Criteria A. 1. (Population reduction) that the population is increasing and Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream. The Fishes Technical Committee of PABS reviewed the Heritage rank of the river redhorse and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify the removal of river redhorse from the Commonwealth's list of candidate fish species. Therefore, the Commission proposed that river redhorse be removed from the Commonwealth's list of candidate species.

(5) Longnose Gar (*Lepisteous osseus*): The longnose gar is a large pelagic fish species with an elongate body, long snout with numerous sharp, needle-like teeth. It prefers medium-sized, low-gradient rivers and large streams, lakes, impoundments, oxbows, and backwaters over a wide variety of substrates. The longnose gar occurs in the Atlantic Slope drainages from New Jersey and Pennsylvania to Florida, the St. Lawrence River, Quebec through Great Lakes (except Lake Superior) and the Mississippi River basin to the Gulf Coast. It also occurs in the Gulf Slope drainages from Florida to Texas. In this Commonwealth, it was historically widespread in the Ohio River drainage, including the Allegheny, Conemaugh, Monongahela and Ohio Rivers, and Conneaut Lake. It also occurs at Presque Isle-Lake Erie, lower Susquehanna River and Delaware River to Monroe County. It has not been taken recently in the Conemaugh or Susquehanna Rivers, and is now considered extirpated from the Delaware River.

The longnose gar has become fairly common in the Ohio River and is taken regularly in the Monongahela River and lower section of the Allegheny River. Criswell and Stauffer (2003) captured approximately 25 specimens in a single gill net during a sampling effort on the Ohio River. Although it has been taken recently in Conneaut Lake, its population status there is not known. The Lake Erie population is considered stable, and longnose gar can be collected regularly in near shore areas and around the mouths of tributaries.

Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. Recent electrofishing and gill netting surveys have documented continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers and in Lake Erie within this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing and Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream. The Fishes Technical Committee of PABS reviewed the Heritage rank of the longnose gar and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify removal of longnose gar from the Commonwealth's list of candidate fishes. Therefore, the Commission proposed that longnose gar be removed from the Commonwealth's list of candidate species.

On final-form rulemaking, the Commission adopted the amendments to §§ 75.2 and 75.3 to read as set forth in the notice of proposed rulemaking.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

A notice of proposed rulemaking was published at 38 Pa.B. 5035 (September 13, 2008). The Commission received one public comment supporting the proposed rulemaking. Copies of all public comments were provided to the Commissioners and considered prior to adoption of this final-form rulemaking.

*Findings*

The Commission finds that:

- (1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided, and comments received were considered.
- (3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

The Commission, acting under the authorizing statutes, orders that:

- (a) The regulations of the Commission, 58 Pa. Code Chapter 75, are amended by amending §§ 75.2 and 75.3 to read as set forth in 38 Pa.B. 5035.

- (b) The Executive Director will submit this order and 38 Pa.B. 5035 to the Office of Attorney General for approval as to legality as required by law.

- (c) The Executive Director shall certify this order and 38 Pa.B. 5035 and deposit them with the Legislative Reference Bureau as required by law.

- (d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

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

**Fiscal Note:** Fiscal Note 48A-207 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 09-409. Filed for public inspection March 6, 2009, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009, meeting, adopted the following rulemaking:

Amend § 147.783 (relating to permit) to authorize the limited use of electronic calls for all hunting and taking activities conducted under a snow goose conservation hunt permit.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 38 Pa.B. 6941 (December 20, 2008).

1. *Purpose and Authority*

In recent years, continental snow goose populations have experienced a rapid growth in their numbers. This dramatic increase in population size has in turn resulted in extensive, possibly irreversible, damage to arctic and subarctic breeding habitats of the continental snow goose, as well as other bird populations dependant on these habitats. In January 2008, the Commission, working in conjunction with the Federal government, created Chapter 147, Subchapter W (relating to snow goose conservation hunt permit) to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth. However, since the adoption of this rulemaking, the Commission has continued to receive extensive public input from various sources including the Susquehanna River Waterfowlers Association, hunters and guides on ways to improve the program. In particular, these sources have strongly encouraged the permitted use of electronic calls during the snow goose conservation hunt, a proven method that is effective in increasing harvest rates. In light of the Commission's continued recognition of the need to dramatically increase the harvest of snow geese in this Commonwealth to assist in the reduction of the overall continental populations, the Commission amended § 147.783 (relating to permit) to authorize the limited use of electronic calls for all hunting and taking activities conducted under a snow goose conservation hunt permit.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.783 was adopted under this authority.

### 2. *Regulatory Requirements*

The final-form rulemaking will amend § 147.783 to authorize the limited use of electronic calls for all hunting and taking activities conducted under a snow goose conservation hunt permit.

### 3. *Persons Affected*

Persons wishing to hunt snow geese under a snow goose conservation hunt permit within this Commonwealth may be affected by the final-form rulemaking.

### 4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

### 5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

### 6. *Effective Date*

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.783 to read as set forth at 38 Pa.B. 6941.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 6941 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-277 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-410. Filed for public inspection March 6, 2009, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

[ 61 PA. CODE CHS. 151 AND 153 ]  
Amended Report—Corporation Taxes

The Department of Revenue (Department), under section 6 of The Fiscal Code (72 P. S. § 6), proposes amendments to Chapter 151 (relating to general provisions), by adding § 151.14 (relating to amended report); and Chapter 153 (relating to Corporate Net Income Tax), by replacing obsolete language and adding § 153.66 (relating to applicability) to read as set forth in Annex A.

### *Purpose of Proposed Rulemaking*

The purpose of the proposed rulemaking is to provide a procedure for the filing of amended Corporate Tax reports for tax reports governed by the assessment process enacted in Act 119-2006. A new § 151.14 is proposed which reflects the replacement of the Corporate Tax settlement process with an assessment process.

### *Explanation of Regulatory Requirements*

The proposed rulemaking will provide clear instructions for corporate taxpayers filing amended reports. The Department is proposing a new § 151.14 outlining the provisions for filing Corporate Tax amended reports. Examples in Chapter 153 have been amended with updated language. Obsolete language has been replaced throughout § 153.54. Specifically, obsolete language was removed in § 153.54(b)(1) regarding the "Report of Change form." Section 153.54(g) has been expanded to explain: (1) Corporate Net Income Tax settled prior to January 1, 2008; and (2) Corporate Net Income Tax not settled prior to January 1, 2008. In addition, an "applicability" section is added in § 153.66 to clarify that §§ 153.61—153.65 apply to taxes settled prior to January 1, 2008.

### *Affected Parties*

The Commonwealth's corporate taxpayers and tax practitioners may be affected by the proposed rulemaking. The proposed rulemaking adds a fourth leg to what the Department has already accomplished for the education of the tax community on the changes to amended reports under Act 119-2006. The Department has: (1) added detailed language in the Instruction Booklet for Form RCT 101; (2) published a notice on the Department's web site, "Notice to Pennsylvania Taxpayers Regarding Amended Corporate Tax Reports;" and (3) participated in numerous seminars in the tax community on this subject.

### *Fiscal Impact*

The Department has determined that this proposed rulemaking will have minimal fiscal impact on the Commonwealth.

### *Paperwork*

The proposed rulemaking will not create additional paperwork for the public or the Commonwealth.

### *Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final publication. No sunset date has been assigned.

### *Contact Person*

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, Pennsylvania 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 20, 2009, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance (Committees). In addition to submitting the rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

The Committees may, at any time prior to the submittal of the final-form regulations, convey to the agency and the Commission, their comments, recommendations and objections to the proposed rulemaking. IRRC may, within 30 days of the close of the public comment period, submit to the agency and Committees any comments, recommendations and objections to the proposed rulemaking. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the amendments, by the Department, the General Assembly and the Governor.

STEPHEN H. STETLER,  
*Acting Secretary*

**Fiscal Note:** 15-445. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following section is new. The text has been printed in regular print to enhance readability.)

## Annex A

### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE VI. CORPORATION TAXES

#### CHAPTER 151. GENERAL PROVISIONS.

#### § 151.14. Amended report.

(a) *Applicability.* This section applies to taxes imposed by Articles IV, VI, VII, VIII, IX, XI and XV of the Tax Reform Code of 1971 and not settled prior to January 1, 2008, along with the following:

(1) Corporate Loans Tax imposed under sections 19—24 of the State Personal Property Tax Act (72 P. S. §§ 3250-10—3250-15).

(2) Co-operative Agricultural Corporate Net Income Tax Act imposed under the Co-operative Agricultural Association Corporate Net Income Tax (72 P. S. § 3420-21—3420-30).

(3) The electric co-op corporation membership fee imposed under 15 Pa.C.S. § 7333 (relating to license fee; exemption from excise taxes).

(4) Gross Receipts Tax on private bankers imposed under section 1 of the act of May 16, 1861 (P. L. 708, No. 660) (72 P. S. § 2221).

(b) *General.*

(1) An amended report may be filed by a taxpayer, on a form prescribed by the Department under oath or affirmation of an authorized officer, within 3 years after filing of the original report. An amended report may be filed for the purpose of bringing to the attention of the Department a correction to the original report or to provide additional information which the taxpayer requests the Department to consider.

(2) The Department will only consider additional information if it is submitted with an amended report. The filing of an amended report is not a new report.

(c) *Prerequisite.* An amended report will not be considered by the Department unless the taxpayer consents in writing, on a form prescribed by the Department, to the extension of the assessment period for the tax year to 1 year from the date of the filing of the amended report or 3 years from the filing of the original report, whichever period last expires. See section 407.4 of the TRC (72 P. S. § 7407.4). In addition, the taxpayer is required to maintain records until the end of the extended assessment period.

(d) *Petition rights.*

(1) An amended report does not replace the filing of a Petition for Reassessment or a Petition for Refund.

(2) The filing of an amended report does not extend the time limits for a taxpayer to file a Petition for Reassessment or a Petition for Refund.

(e) *Review of amended report.*

(1) The Department is not obligated to revise the tax due the Commonwealth upon review of an amended report. Its failure to revise the tax due the Commonwealth will not change any existing appeal rights of the taxpayer.

(2) If the Department determines an adjustment of the taxpayer's account is appropriate, it will adjust the corporation's tax on the Department's records to conform to the revised tax as determined and will credit the taxpayer's account to the extent of any overpayment resulting from the adjustment or assess the taxpayer's unpaid tax and unreported liability for tax, interest or penalty due the Commonwealth, whichever is applicable.

(f) *Amended report filed when tax liability is under appeal.*

(1) An amended report involving issues under appeal will be forwarded to the appropriate board or to the Office of the Attorney General, to be included in the appeal.

(2) If the amended report involves issues other than those under appeal, the Department may review the amended report. The review of a report does not obligate the Department to change the tax due the Commonwealth and will not change any existing appeal rights of the taxpayer. If the Department determines that a change to the tax liability is appropriate, it will adjust the corporation's tax on the Department's records to conform to the revised tax as reported. The Department will credit the taxpayer's account to the extent of any overpayment resulting from the adjustment or assess the taxpayer's

unpaid tax and unreported liability for tax, interest or penalty due the Commonwealth, whichever is applicable.

(g) *Additional information required to be provided with an amended report.* An amended report filed with the Department must contain the following:

(1) Agreement to the extension of the assessment period as described in subsection (c).

(2) The calculation of the amended tax liability.

(3) Revised Pennsylvania supporting schedules, if applicable.

(4) A complete explanation of the changes being made and the reason for those changes.

(5) A copy of the amended Federal income tax return is required if the amended report is filed due to a change in Federal taxable income based on the filing of an amended Federal income tax return. In addition, the Department may also require proof of acceptance of the amended Federal income tax return.

(6) Other information required by the Department to support the calculation of the amended tax liability.

**CHAPTER 153. CORPORATE NET INCOME TAX REPORTS AND PAYMENT OF TAX**

**§ 153.54. Changes made by Federal government.**

\* \* \* \* \*

(b) *What is required to be filed with the Department.* The following are required to be filed with the Department:

(1) A Report of Change [ **form (RCT 128-B)** ] as prescribed by the Department.

\* \* \* \* \*

(d) *When a change or correction in Federal taxable income is final and received.* A change or correction will be final and received as follows:

\* \* \* \* \*

*Example 1.* Taxpayer files a [ **1972** ] **2003** Report with the Department in conformity with its Federal Return as filed in [ **1972** ] **2003**. In [ **1973** ] **2004**, the Internal Revenue Service audits the taxpayer's Return which results in an increase of the taxpayer's Federal taxable income. Taxpayer does not contest this change. Thirty days after receipt of a Federal Notice and Demand for Payment, the taxpayer is required to file a Report of Change with the Department.

*Example 2.* Taxpayer files a [ **1972** ] **2003** Report with the Department in conformity with its Federal Return as filed in [ **1972** ] **2003**. In [ **1973** ] **2004**, the Internal Revenue Service audits the taxpayer's Return which results in an increase of taxpayer's Federal taxable income. Taxpayer contests this change and files a petition in the United States Tax Court. The United States Tax Court upholds the Internal Revenue Service's action. Taxpayer does not appeal the United States Tax Court's decision. Thirty days after receipt of a Federal Notice and Demand for Payment, the taxpayer is required to file a Report of Change with the Department.

*Example 3.* Taxpayer files a [ **1972** ] **2003** report with the Department in conformity with its Federal return as filed in [ **1972** ] **2003**. In [ **1973** ] **2004**, the Internal Revenue Service audits the taxpayer's return which results in an increase of the taxpayer's Federal taxable income. Taxpayer contests this change and pursues all

administrative and judicial remedies available without paying the contested amount of tax. The United States Supreme Court upholds the Internal Revenue Service's action. Thirty days after receipt of a Federal Notice and Demand for Payment, the taxpayer is required to file a Report of Change with the Department.

\* \* \* \* \*

(3) A change or correction which does not increase or decrease the taxpayer's Federal tax is final when the taxpayer receives a notice from the IRS that its return will be adjusted in accordance with the examination report. The change or correction is "received" by the taxpayer on the date the taxpayer receives notice from the IRS that its return will be adjusted in accordance with the examination report.

*Example.* Taxpayer files a [ 1972 ] 2003 report with the Department in conformity with its Federal return as filed in [ 1972 ] 2003. In [ 1974 ] 2005, the Internal Revenue Service audits taxpayer's Federal return. The audit does not result in an increase in the Federal tax, but a change in the Commonwealth taxable income does occur due to the Federal action. Taxpayer is required to file a Report of Change within 30 days of notification by the Internal Revenue Service of its action.

(e) *More than one change or correction in Federal taxable income for a particular tax year.* A taxpayer is required to file a Report of Change for each change or correction by the Commissioner of Internal Revenue or by any other agency or court of the United States in the taxpayer's taxable income as reported to the Federal Government.

*Example.* As a result of a Federal audit of its [ 1972 ] 2003 Federal return, the taxpayer's Federal taxable income has been increased and the taxpayer has paid the Federal government additional tax. Since the taxpayer's Commonwealth taxable income also increased for [ 1972 ] 2003, taxpayer has filed a Report of Change with the Department. Thereafter, in a separate and subsequent court action the taxpayer contests the change in its Federal taxable income for [ 1972 ] 2003 and receives a refund from the Federal Government. Since its Commonwealth taxable income for [ 1972 ] 2003 has been decreased by this separate and subsequent action, the taxpayer is required to file a second Report of Change with the Department.

\* \* \* \* \*

(g) *Report of change [ within one year from the date of settlement ] required to report Federal change or correction.*

**(1) Corporate Net Income Tax settled prior to January 1, 2008.** When a Federal change or correction in taxable income as reported to the Federal government occurs within 1 year of the date of settlement and, therefore, a Commonwealth amended report could be timely filed as provided in § 153.64 (relating to amended report), the taxpayer nevertheless is required to file a Report of Change. Filing an amended report will not satisfy the requirement of filing a Report of Change.

*Example.* Taxpayer files a Federal Return on March 15, [ 1972 ] 2003. Based upon that return, the taxpayer files its Commonwealth Report on April 15, [ 1972 ] 2003. In August of [ 1972 ] 2003, the IRS

discovers an error in the taxpayer's return. Taxpayer shall file a Report of Change even though the final change or correction was received within the period in which the taxpayer could file an amended report. An amended report will not satisfy the requirement of filing a Report of Change.

**(2) Corporate Net Income Tax not settled prior to January 1, 2008.** When a Federal change or correction in taxable income as reported to the Federal government occurs, the taxpayer is required to file a Report of Change regardless of whether or not an amended report could have been timely filed as provided in § 151.14 (relating to amended report). Filing an amended report will not satisfy the requirement of filing a Report of Change.

*Example.* Taxpayer files a Federal Return on March 15, 2007. Based upon that return, the taxpayer files its Commonwealth Report on April 15, 2007. In August of 2008, the IRS conducts an audit and notifies taxpayer that its Federal taxable income is different than the reported figure. Taxpayer shall file a Report of Change even though the final change or correction was received within the period in which the taxpayer could file an amended report. An amended report will not satisfy the requirement of a Report of Change.

**SETTLEMENT AND RESETTLEMENT**

**§ 153.66. Applicability.**

**Sections 153.61—153.65, regarding settlement and resettlement, apply to taxes settled prior to January 1, 2008.**

[Pa.B. Doc. No. 09-411. Filed for public inspection March 6, 2009, 9:00 a.m.]

**[ 61 PA. CODE CH. 53 ]  
Clothing**

The Department of Revenue (Department), under section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes amendments to 61 Pa. Code Chapter 53. "Wearing Apparel," by renaming the chapter "Clothing," amending definitions, conforming the regulation to the statute, clarifying examples and the scope in § 53.1 to read as set forth in Annex A.

*Purpose of Proposed Rulemaking*

The proposed rulemaking will conform to Pennsylvania law and avoid any confusion for taxpayers paying Sales and Use Taxes. In addition, the proposed rulemaking codifies legislative changes relating to clothing patterns that were set forth in Act 23-2000 (See section 204(26) of the TRC 72 P. S. § 7204(26)).

*Explanation of Regulatory Requirements*

The major reason for this amendment is to bring the regulation into conformity with the statute. The current definition of "wearing apparel" in § 53.1(a)(7) (relating to clothing) when read in conjunction with § 53.1(b)(3) would appear to exempt from Sales and Use Tax the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning of accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and clothing. (The statute in section 201(k)(4) and (o)(4) of the TRC (72 P. S.

§ 7201(k)(4) and (o)(4) excludes from the definition of "sale at retail" and "use" the repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning of only wearing apparel or shoes. Although "wearing apparel" is not defined in the TRC, it is referred to in section 7204(26) of the TRC as a subset of clothing. That section provides an exemption from tax for "all vesture, wearing apparel, raiments, garments, footwear and other articles of clothing . . . but all accessories, ornamental wear, formal day or evening apparel, and articles made of fur . . . and sporting goods and clothing not normally used or worn when not engaged in sports shall not be excluded from tax." This language clearly indicates that wearing apparel is clothing since wearing apparel is followed by "and other articles of clothing." The language also indicates that accessories, ornamental wear, formal day or evening apparel, fur articles, sporting goods and sporting clothing are not clothing or wearing apparel and the sale or use of these items are taxable.

To bring the regulation into conformity with the statute, the "definitions" subsection in § 53.1(a) has been amended. "Clothing" has been enhanced to mirror language in the statute in section 204(26) of the TRC. The definition for "wearing apparel" has been deleted.

The "scope" subsection has been amended in § 53.1(b) to remove language and insert clarifying language that mirrors language in the statute in sections 7201(k)(4) and (o)(4) and 7204(26) of the TRC. Language has been added in § 53.1(c) to clarify examples of accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and sporting clothing. The word "wearing apparel" has been deleted from this subsection.

In subsection (d), the word "patterns" has been deleted to mirror the statute as a result of Act 23-2000.

*Affected Parties*

Taxpayers in this Commonwealth paying Sales and Use Tax may be affected by the proposed amendment although it is believed that the repairers, alterers, and the like, of accessories, ornamental wear, and the like, have been charging Sales Tax on these services.

*Fiscal Impact*

The Department has determined that the proposed amendment will have minimal fiscal impact on the Commonwealth.

*Paperwork*

The proposed amendment will not create additional paperwork for the public or the Commonwealth.

*Effectiveness/Sunset Date*

The proposed amendment will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

*Contact Person*

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed amendment to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 20, 2009, the Department submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance (Committees). In addition to submitting the proposed amendment, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

The Committees may, at any time prior to the submittal of the final-form regulation, convey to the agency and the Commission, their comments, recommendations and objections to the proposed regulation. IRRC may, within 30 days of the close of the public comment period, submit to the agency and Committees any comments, recommendations and objections to the proposed amendment. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the amendment, by the Department, the General Assembly and the Governor.

THOMAS W. WOLF,  
*Secretary*

**Fiscal Note:** 15-446. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART I. DEPARTMENT OF REVENUE**

**Subpart B. GENERAL FUND REVENUES**

**ARTICLE II. SALES AND USE TAX**

**CHAPTER 53. [ WEARING APPAREL ] CLOTHING**

**§ 53.1. Clothing.**

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

(2) *Clothing*—Articles, including **vesture, wearing apparel, raiments, garments or shoes**, which are designed to cover the human body as ordinary or everyday wear.

\* \* \* \* \*

[ (7) *Wearing apparel*—Articles worn or carried on or about the human body including but not limited to **clothing, accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and sporting clothing.** ]

(b) *Scope.* [ **Scope shall conform with** ] **This section applies to the following transactions:**

\* \* \* \* \*

(3) A charge for the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning [ **wearing apparel** ] **shoes of any type or clothing** is not subject to tax with the exception of the [ **following** ]

(i) **Imprinting ] imprinting** or printing of clothing belonging to others.

[ (ii) **Alterations of formal day and evening apparel made at the time of sale by the seller. ]**

(4) **A charge for the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning accessories, ornamental wear, formal day or evening apparel, fur articles or sporting goods and sporting clothing, except for shoes of any type shall be subject to tax unless the purchaser is entitled to claim an exemption under the law.**

(c) *Examples [ of wearing apparel ]*. The following are examples of [ **wearing apparel ] accessories, orna-**

**mental wear, formal day or evening apparel, fur articles and sporting goods and sporting clothing:**

\* \* \* \* \*

(d) *Materials to be incorporated in clothing[ — ]*. The sale of items such as fabrics, thread, knitting yarn, buttons, snaps and zippers, to be incorporated into clothing [ **may ] are not [ be ] subject to tax[ ; however, the ]. The** sale of property such as needles, [ **patterns, ] dress forms, scissors and thimbles, shall be subject to tax unless the purchaser is engaged in the business of manufacturing or of purchasing the items for resale.**

[Pa.B. Doc. No. 09-412. Filed for public inspection March 6, 2009, 9:00 a.m.]

\_\_\_\_\_

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective February 17, 2009.

The organization chart at 39 Pa.B. 1213 (March 7, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 09-413. Filed for public inspection March 6, 2009, 9:00 a.m.]

---

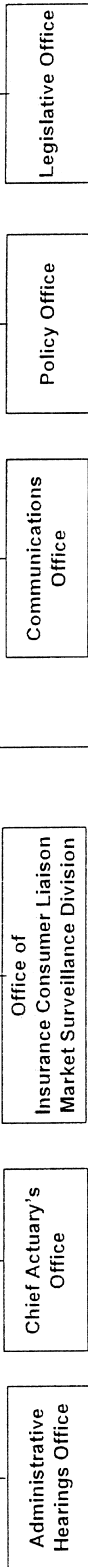
OR-09-033  
February 17, 2009

INSURANCE DEPARTMENT

INSURANCE COMMISSIONER

Office of General Counsel  
Office of Chief Counsel

Office of the Budget  
Comptroller's Office



Deputy Insurance Commissioner for Insurance Product Regulation and Administration

Bureau of Administration

Divisions:  
Human Resources and Equal Employment Opportunity  
Budget  
Office Management

Bureau of Information Technology

Divisions:  
Applications Development  
Technical Services  
Liquidations/Special Fund Support

Bureau of Property and Casualty Insurance

Divisions:  
Actuarial Review  
Policy Review

Bureau of Life Insurance

Divisions:  
Actuarial Review  
Policy Review

Bureau of Accident and Health Insurance

Divisions:  
Actuarial Review  
Policy Review

Deputy Insurance Commissioner for Corporate and Financial Regulation

Bureau of Financial Examinations

Bureau of Company Licensing and Financial Analysis

Divisions:  
Financial Analysis  
Company Licensing

Deputy Insurance Commissioner for Market Regulation

Bureau of Consumer Services

Regional Offices:  
Harrisburg  
Philadelphia  
Pittsburgh

Bureau of Market Conduct

Divisions:  
Life and Health  
Market Conduct  
Property and Casualty  
Market Conduct

Bureau of Licensing and Enforcement

Divisions:  
Licensing Services  
Information Services  
Licensing  
Compliance  
Field Investigations  
Fraud

Deputy Insurance Commissioner for Liquidations, Rehabilitations and Special Funds

Bureau of Liquidations and Rehabilitations Administration

Divisions:  
Asset Management  
Support Services

Bureau of Liquidation Claims

Divisions:  
Property and Casualty  
Life, Accident, and Health

Bureau of Special Funds

Divisions:  
Auto CAT Fund  
Workers' Compensation  
Security Fund  
Underground Storage Tank  
Indemnification Fund

Deputy Insurance Commissioner for CHIP and Adult Basic Insurance

Divisions:  
Policy and Planning  
Quality Assurance  
Operations Support  
Marketing and Outreach

Deputy Insurance Commissioner for Medical Care Availability and Reduction of Error (MCARE)

Bureau of Medical Malpractice Administration

Divisions:  
Operations Support  
Policy Administration

Bureau of MCARE Claims Administration

Divisions:  
Claims Administration  
Philadelphia Regional Office  
Eastern Region  
Central Region  
Western Region

# NOTICES

## 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 February 24, 2009.

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 regarding receipt 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, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. 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

##### Branch Applications

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	8400 Bustleton Avenue Suite 100 Philadelphia Philadelphia County	Filed
2-18-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	12377 Academy Road Philadelphia Philadelphia County	Filed
2-18-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	414 Cooper Street Beverly Burlington County, NJ	Filed
2-18-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1 Rose Street and Beverly Rancocas Road Willingboro Burlington County, NJ	Filed
2-20-2009	VIST Bank Wyomissing Berks County	1380 Skippack Road Blue Bell Montgomery County	Withdrawn

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

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. 09-414. Filed for public inspection March 6, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan; 2008 Annual Performance and Evaluation Report

The Department of Community and Economic Development is preparing its Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during 2008 in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2004-2008. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations



within the State to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS. The CAPER discusses accomplishments in relation to goals and objectives identified in the Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan; how the Commonwealth is affirmatively furthering fair and affordable housing; the activities of the Continuum of Care; as well as how resources in community development and housing are being leveraged.

#### *Citizen Comments*

Individuals or organizations may provide written comments regarding the CAPER. The report will be available for review at [www.newpa.com](http://www.newpa.com) or for more information, call (717) 787-5327. Comments will be accepted about funded activities, community development, housing, the content of the CAPER and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Written comments will be accepted until 5 p.m. on March 23, 2009, and should be sent to Lauren Atwell, Department of Community and Economic Development, Center for Community Development, Office of Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

GEORGE E. CORNELIUS,  
*Acting Secretary*

[Pa.B. Doc. No. 09-415. Filed for public inspection March 6, 2009, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Execution of Oil and Gas Lease for State Forest Lands

Effective December 22, 2008, an Oil and Gas Lease for State Forest Lands, Contract No. M-110727-12, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (lessor) and Hunt Oil USA (lessee), with its principal place of business located at 1900 North Akard Street, Dallas, TX 75201-2300.

The lease is for Tract 727, located in Gallagher, Pine Creek and Watson Townships, Lycoming County, within the Tiadaghton State Forest. The lease was issued to the highest winning and qualified bidder for the tract at the lessor's competitive lease sale held on September 3, 2008. The lease was recorded at the Lycoming County courthouse on January 9, 2009, deed book No. 6535, pages 62—131, instrument No. 200900000245. Contract No. M-110727-12 may be viewed online at [contracts.pat treasury.org/View.aspx?ContractID=19109](http://contracts.pat treasury.org/View.aspx?ContractID=19109).

Questions regarding this lease should be directed to the Bureau of Forestry, Minerals Section at (717) 787-2703.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 09-416. Filed for public inspection March 6, 2009, 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**

*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>
PA0060895 (Minor Sewage)	Pocono Mountains Industries, Inc. 300 Community Drive Tobyhanna, PA 18466	Monroe County Coolbaugh Township	UNT to Red Run 2A	Y
PA0035271 (Minor Sewage)	Virazon Properties, Inc., d/b/a Tall Timbers Village TTV-6 Factoryville, PA 18419	Lackawanna LaPlume Township	South Branch Tunkhannock Creek 4F	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

*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>
PA0083623 (IW)	TB Woods, Inc. 440 North 5th Avenue Chambersburg, PA 17201-1778	Franklin County Chambersburg Borough	UNT Falling Spring Branch 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0113948 SN	Department of Corrections 2520 Lisburn Road Camp Hill, PA 17011-0598	Clearfield County Karthaus Township	Marks Run 8D	Y
PA0022195 SP	Borough of Catawissa P. O. Box 44 Catawissa, PA 17820	Columbia County Catawissa Borough	Catawissa Creek 5E	Y
PA0033251 SN	Total Environmental Solutions, Inc. 906 Beaver Drive DuBois, PA 15801	Clearfield County Sandy Township	Narrows Creek 17C	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.*

**PA0052493**, Sewage, SIC 4952, **Florence A. Coleman**, 168 Cheese Factory Road, Doylestown, PA 18901. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from El Cactus Restaurant STP.

The receiving stream, a UNT to North Branch Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the North Wales Water Authority is located on North Branch Neshaminy Creek and is 6.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0026 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
TSS	10	20
Ammonia as N (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
NO <sub>2</sub> -N and NO <sub>3</sub> -N (7-1 to 10-31)	8.0	16.0
Phosphorus as P (5-1 to 10-31)	2.0	4.0
Years 1 and 2 (11-1 to 4-30)	Monitor and Report	Monitor and Report
Years 1 and 2	1.0	2.0
Years 3—5	# 200/100 ml	# 1,000/100 ml
Fecal Coliform		3.0 (Instantaneous Minimum)
Dissolved Oxygen		1.2
TRC	0.5	
pH	6.0 to 9.0 Standard Units at all times	

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

1. Notification to the Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Dry Stream Discharge.
7. Change in Ownership.
8. Chlorine Minimization.
9. Proper Sludge Disposal.
10. I-max Limits.

11. 2/Month Monitoring.
12. Laboratory Certification.
13. Fecal Coliform Reporting.

**PA0053473**, Sewage, SIC 4952, **Thornbury Township STP**, 6 Thornbury Drive, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge 0.18 mgd of treated sewage into Chester Creek.

The receiving stream, Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF. The nearest downstream public water supply intake for Aqua PA Ridley Creek Plant is located on Chester Creek and is 5.1 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.18 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 Standard (Minimum)			9.0 Standard
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Phosphorus as P (0-2 years)	Monitor and Report			Monitor and Report
(3-5 years)				
(5-1 to 10-31)	1.0			2.0
(3-5 years)				
(11-1 to 4-30)	2.0			4.0
Fecal Coliform	200 #/100 ml			1,000 #/100 ml
Dissolved Oxygen	5.0 Minimum			
Total Residual Chlorine	0.5			1.2

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

**Application No. PA 0080748**, Sewage, **Northern Lebanon County Authority (Jonestown WWTF)**, P. O. Box 434, Jonestown, PA 17038. This facility is located in Union Township, **Lebanon County**.

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

The receiving stream, Swatara Creek, is in Watershed 7-D, 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 Swatara Creek, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	13.5		27
(11-1 to 4-30)	Report		Report
Total Residual Chlorine	0.5		1.63
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

*Chesapeake Bay Requirements*

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

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	7,306*
Net Total Phosphorus	XXX	Report	974*

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

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

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

The EPA waiver is not in effect.

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

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

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	1		3
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			

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

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

*Chesapeake Bay Requirements*

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	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 not in effect.

**Application No. PA 0052396**, Industrial Waste, SIC Code 3321, 3322, 3365 and 3644, **O-Z Gedney, LLC**, 150 Birch Hill Road, Shoemakersville, PA 19555. This facility is located in Perry Township, **Berks County**.

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

The receiving stream, UNT to Schuylkill River, is in Watershed 3-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pottstown Borough Water and Sewer Authority located on the Schuylkill River, approximately 34 miles downstream. The discharge is not expected to affect the water supply.

The Interim proposed effluent limits for Outfall 001 based on a design flow of 0.042 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature			As required each month.		
pH			From 6.0 to 9.0 inclusive		

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

The EPA waiver is not in effect.

**Application No. PA 0080713**, Sewage, **Pennsy Supply, Inc.**, One Clearspring Road, Annville, PA 17003. This facility is located in North Londonderry Township, **Lebanon County**.

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

The receiving stream, Killinger Creek, is in Watershed 7-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 13 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.009 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18
Total Phosphorus	2.0	4.0
Total Residual Chlorine	0.26	0.88
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a Geometric Average	
(10-1 to 4-30)	2,000/100 ml as a Geometric Average	

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.

---

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

**PA0233641**, Sewerage, SIC 4952, **John and Kristen Gresh**, 198 Bennett Road, Julian, PA 18644. This proposed facility will be located in Union Township, **Centre County**.

The receiving stream, UNT to Brower Hollow Run, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company is located on West Branch Susquehanna River and is 91 miles below the point of discharge.

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

Discharge Parameter	Concentration (mg/l)			
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum
Flow (mgd)			Monitor	
BOD <sub>5</sub>	10			20
TSS	10			20
TRC	Monitor			
pH		Not greater than 6.0 nor less than 9.0		
Fecal Coliforms		200/100 ml		

**PA0233757**, Industrial Waste, SIC 5411, **Thomas and Deborah Finkbiner**, P. O. Box 1, Route 414, Slate Run, PA 17769. This proposed facility is located in Brown Township, **Lycoming County**.

Description of Proposed Activity: This application is for a new NPDES permit for a discharge from a groundwater remediation system.

The receiving stream, Pine Creek, is in the State Water Plan Watershed 9A and is classified for: HQ-TSF. The nearest downstream public water supply intake for Pennsylvania-American Water Company at Milton is located on West Branch Susquehanna River and is approximately 77 miles below the point of discharge.

*Outfall 001*

The proposed effluent limits, based on a design flow of 0.0004 mgd, are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
Benzene	ND*	ND*	ND*
Toluene	ND*	ND*	ND*
Ethylbenzene	ND*	ND*	ND*
Cumene	ND*	ND*	ND*
Naphthalene	ND*	ND*	ND*
Fluorene	ND*	ND*	ND*
Phenanthrene	ND*	ND*	ND*
Oil and Grease	10		25
Total Suspended Solids	30		75
pH	6.8 to 9.0 Standard Units at all times		

The EPA waiver is in effect.

**PA0233668**, Sewerage, **William R. Davison**, 199 Dawn Lane, Howard, PA 16841. This proposed facility is located in Howard Township, **Centre County**.

Description of Proposed Activity: An NPDES permit application has been submitted requesting authorization to discharge from a small flow treatment facility serving the Davison residence.

The receiving stream, Bullit Run, is in the State Water Plan Watershed 9A and is classified for: CWF. The nearest downstream public water supply intake is near Milton is located on is on the West Branch of the Susquehanna River approximately 75 miles below the point of discharge.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>			10		20
TSS			10		40
Fecal Coliforms			200 colonies/100 ml		
pH			Within the range of 6.0 to 9.0		
Flow			Monitor and Report		
TRC			Monitor		

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

**PA0219444**, Sewage, **Borough of Markleysburg**, 150 Main Street, Markleysburg, PA 15459-0025. This application is for renewal of an NPDES permit to discharge treated sewage from Markleysburg Area STP in Henry Clay Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.075 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
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	0.07			0.15
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0026158**, Sewage, **Mon Valley Sewage Authority**, P. O. Box 792, Donora, PA 15033. This application is for renewal of an NPDES permit to discharge treated sewage from Mon Valley Wastewater Treatment Plant in Carroll Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela 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 PA American Water Company-Aldrich Station.

Outfall 001: existing discharge, design flow of 3.66 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

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

**PA0263494**, Sewage, **Michael M. Fodse**, 13238 Phelps Road, Conneaut Lake, PA 16316. This proposed facility is located in Summit Township, **Crawford County**.

Description of Proposed Activity: New NPDES permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 83 miles below point of discharge.

The receiving stream, the UNT to Conneaut Outlet, is in Watershed 16-D and classified for: HQ-WWF, aquatic life, water supply and recreation.

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

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

XX—Monitor and report on monthly AMRs.

The EPA waiver is in effect.



---

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


---

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

**WQM Permit No. 1508416**, Sewerage, **West Brandywine Township Municipal Authority**, 198 Lafayette Road, Coatesville, PA 19320. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Action/Activity: Installation of a new bar screen and comminuter.

**WQM Permit No. 4609403**, Sewerage, **Lower Perkiomen Valley Regional Sewer Authority**, 5 River Road, P. O. Box 613, Oaks, PA 19456-0613. This proposed facility is located in Lower and Upper Providence Townships, **Montgomery County**.

Description of Action/Activity: Installation of a 42"—54" sanitary sewer interceptor.

**WQM Permit No. 2309401**, Sewerage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station, force main and appurtenances.

**WQM Permit No. 1509401**, Sewerage, **Caln Township Municipal Authority**, 253 Municipal Drive, Thorndale, PA 19372. This proposed facility is located in Caln Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station and installation of an 8" sanitary sewer force main.

**WQM Permit No. 0909401**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Installation of a surge tank and two submersible pump stations for operation during rain events.

**WQM Permit No. 2309402**, Sewerage, **Southern Delaware County Authority**, 101 Beech Street, Boothwyn, PA 19061. This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Action/Activity: Upgrade an existing 2.0 mgd pump station pumps and motors, add VFD's and add a new generator.

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

**WQM Permit No. 6792402, Amendment 09-1**, Sewerage, **Fairview Township**, 599 Lewisberry Road, New Cumberland, PA 17070-2399. This proposed facility is located in Fairview Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for an amendment to replace existing chlorination disinfection system with UV disinfection.

**WQM Permit No. 3609401**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of new sanitary sewer system to serve approximately 266 existing homes, including approximately 26,800 linear feet of gravity sewer, 7,700 linear feet of force main, two submersible pump stations, 18 simplex grinder stations with associated low pressure laterals and main, manholes, State roadway and creek borings and appurtenances.

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

**WQM Permit No. 1408402**, Sewerage, SIC 4952, **John and Kristen Gresh**, 198 Bennett Road, Julian, PA 18644. This proposed facility will be located in Union Township, **Centre County**.

Description of Proposed Action/Activity: The applicants propose the construction of a small flow treatment facility to serve their residence. This facility will consist of a two compartment septic tank, an Ecoflo peat biofilter, erosion chlorination and a chlorine contact tank.

**WQM Permit No. 0808402**, Sewerage, **South Creek Township**, P. O. Box 60, Gillett, PA 16925. This proposed facility is located in South Creek Township, **Bradford County**.

Description of Proposed Action/Activity: A low pressure grinder pump sewer system and a 0.025 mgd wastewater treatment facility in the Village of Fassettt. Three small flow treatment facilities in the Village of Gillett.

**WQM Permit No. 1408403**, Sewerage 4952, **William R. Davison**, 199 Dawn Lane, Howard, PA 16841. This proposed facility is located in Howard Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 400 gpd single-residence small flow treatment facility that will discharge to Bullit Run, a CWF. The treatment system will be comprised of a septic tank, an Ecoflo peat biofilter and chlorine disinfection.

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

**WQM Permit No. 6309401**, Sewerage, **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317. This proposed facility is located in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of an interceptor sewer.

**WQM Permit No. WQG016172**, Sewerage, **William C. Brown**, 3985 Route 553, Penn Run, PA 15765. This proposed facility is located in Cherryhill Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

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

**WQM Permit No. 6208401**, Sewerage, **Sugar Grove Area Sewage Authority**, 195 Creek Road, Sugar Grove, PA 16350. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This phase III project extends from the existing Authority system in nine separate areas and a tenth area connects onto the Brokenstraw Valley Area Authority system for conveyance into the Youngsville Borough Wastewater Treatment Plant. Within these 10 service areas are 137 existing EDUs which will be provided public sewer service through the use of a low pressure sewer system. A total of over 78,000 LF of 1 1/2 inch, 2 inch, 3 inch and 4 inch diameter pressure sewer will be constructed along with cleanouts, air and vacuum valves, grinder pumps and two booster pump stations. Within these service areas are a high number of malfunctioning onlot sewage systems which create health, safety and nuisance problems.

**WQM Permit No. 2009401**, Sewerage, **Michael M. Fodse**, 13238 Phelps Road, Conneaut Lake, PA 16316. This proposed facility is located in Summit Township, **Crawford County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

---

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

---

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

---

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

---

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309001	Towamensing Trails Property Assoc. 44 Towamensing Trail Albrightsville, PA 18210	Carbon	Penn Forest Township	Wolf Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024809002	Faith Alive Community Church Attn: Pastor Larry Gasteiger 125 West West Street Wind Gap, PA 18901	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF, MF

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026405006(1)	Russell Palmer 1103 Texas Palmyra Highway Honesdale, PA 18431	Wayne	Texas Township	Lackawaxen River HQ-TSF, MF
PAI026409003	Route 6 Development Co., LLC Attn: Robert Suhosky 100 Fourth Street Suite 24 Honesdale, PA 18431	Wayne	Texas Township	Tributary to Lackawaxen River HQ-CWF, MF

*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>
PAI032103001-R	The Diehl Partnership Donald E. Diehl 4 East High Street Carlisle, PA 17013	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033609001	Gunzenhauser's Auto Parts, LLC 6943 Division Highway Narvon, PA 17555	Lancaster	Salisbury Township	UNT to Conestoga River-Branch Brandywine Creek WWF-HQ-TSF-MF

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

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, Ext. 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045909001	Drew Remley 32 Penn Street Washington Borough, PA 17852	Tioga	Liberty Township	Salt Spring Run HQ-CWF

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

*Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050209001	Community Center and Library Association c/o Stephanie Flom 1220 Powers Run Road Pittsburgh, PA 15238-2618	Allegheny	Fox Chapel Borough	Squaw Run HQ-WWF

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509001	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Ligonier Township	Laughlintown Run HQ-WWF

---

## **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>
Robert Gochenaur 3449 Delta Road Airville, PA 17302	York	27.1	441.9	Turkey, Swine, Calves, Deer	NA	Renewal
Terry Hershey 573 Strasburg Road Paradise, PA 17562	Lancaster	82	116.27	Hogs	NA	Renewal
Gary Miller 2146 Powells Valley Road Halifax, PA 17032	Dauphin	1.0	565.5	Poultry	NA	Amendment
MACH Farm 651 Pine Road Palmyra, PA 17078	Lebanon	170	712.04	Swine	NA	Renewal
Swatara Swine 1921 Black Bridge Road Annville, PA 17003	Lebanon	145	798.85	Swine	NA	Renewal

<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>Application or Action</i>
Robert Boyles & Son 258 Mountain Road Muncy Valley, PA 17758	Lycoming	225.1	558.3	Swine/Beef	N/A	Application
Howard Hammond Concord Ridge Farms 20281 Hammond Road Corry, PA 16407	Erie	3,453.3	1,137.3	Dairy	NA	Application

### 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

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

#### Permit No. 3609503, Public Water Supply.

Applicant	<b>Cherry Lane Motor Inn</b>
Municipality	East Lampeter Township
County	<b>Lancaster</b>
Responsible Official	Mukesh Patel, Owner 84 North Ronks Road Ronks, PA 17572
Type of Facility	Public Water Supply
Consulting Engineer	Brent W. Cowan, P. E. CSC Technology Inc. 170 Netherwood Drive Coatesville, PA 19320
Application Received	February 6, 2009
Description of Action	Installation of nitrate treatment.

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

**Permit No. 0809502—Construction**, Public Water Supply.

Applicant **Wysox Presbyterian Church**  
 Township Wysox Township  
 County **Bradford**  
 Responsible Official Ron Irvine  
 Route 187 North  
 Wysox, PA 18854  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer N/A  
 Application Received Date February 19, 2009  
 Description of Action Approval of a cation exchange  
 water softening system to  
 remove barium and manganese.

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

**Application No. 0409503**, Public Water Supply.

Applicant **New Sewickley Township  
 Municipal Authority**  
 233 Miller Road  
 Rochester, PA 15074  
 Township or Borough New Sewickley Township  
 Responsible Official Gary Guy, Chairperson  
 New Sewickley Township  
 Municipal Authority  
 233 Miller Road  
 Rochester, PA 15074  
 Type of Facility Water storage tank  
 Consulting Engineer Michael Baker Jr., Inc.  
 4301 Dutch Ridge Road  
 Beaver, PA 15009  
 Application Received Date February 20, 2009  
 Description of Action Interior and exterior blasting  
 and repainting of the Highview  
 Circle water storage tank.  
 Project also includes installation  
 of a tank roof vent, water  
 circulation system and exterior  
 ladder fall prevention system.

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

**Application No. 2009502**, Public Water Supply.

Applicant **Cambridge Area Joint  
 Authority**  
 Township or Borough Cambridge Township  
**Crawford County**  
 Responsible Official Peggy Lewis, Administrator  
 Consulting Engineer Clayton J. Fails, P. E.  
 Hill Engineering, Inc.  
 8 Gibson Street  
 North East, PA 16428

Application Received Date February 17, 2009

Description of Action Installation of sodium  
 hypochlorite feed system and  
 storage tank at Pleasant Hills  
 Water Pumping Station.

**MINOR AMENDMENT**

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

**Application No. 0209503MA**, Minor Amendment.

Applicant **Moon Township Municipal  
 Authority**  
 1700 Beaver Grade Road  
 Suite 200  
 Coraopolis, PA 15108-3193  
 Township or Borough Moon Township  
 Responsible Official John Riley, General Manager  
 Moon Township Municipal  
 Authority  
 1700 Beaver Grade Road  
 Suite 200  
 Coraopolis, PA 15108-3193  
 Type of Facility Water storage tank  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205

Application Received Date February 10, 2009

Description of Action Painting the Air Force Base  
 water storage tank.

**Application No. 0209504MA**, Minor Amendment.

Applicant **Moon Township Municipal  
 Authority**  
 1700 Beaver Grade Road  
 Suite 200  
 Coraopolis, PA 15108-3193  
 Township or Borough Moon Township  
 Responsible Official John Riley, General Manager  
 Moon Township Municipal  
 Authority  
 1700 Beaver Grade Road  
 Suite 200  
 Coraopolis, PA 15108-3193  
 Type of Facility Water treatment plant  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205

Application Received Date February 20, 2009

Description of Action Installation of valves and piping  
 to facilitate filter backwash  
 using flow diverted from the  
 existing high service line.

**Application No. 0209505MA**, Minor Amendment.

Applicant **Moon Township Municipal  
 Authority**  
 1700 Beaver Grade Road  
 Suite 200  
 Coraopolis, PA 15108-3193

Township or Borough	Moon Township
Responsible Official	John Riley, General Manager Moon Township Municipal Authority 1700 Beaver Grade Road Suite 200 Coraopolis, PA 15108-3193
Type of Facility	Water treatment plant
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	February 10, 2009
Description of Action	Painting the Fern Hollow water treatment plant backwash tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional 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.*

**Former Grube Service Station**, 228 Cattell Street, Easton City, **Northampton County**. Christopher T. Kotch, P. G., Barry Isett & Associates, Inc., P. O. Box 147, 85 South Route 100 and Kessler Lane, Trexlertown, PA 18087 has submitted a Notice of Intent to Remediate (on behalf of his client, Lafayette College, 630 Parson Street, Easton, PA 18042), concerning the remediation of soils found to have been impacted by waste oil as a result of an accidental release from an unregulated underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The exact future use of the property is currently unknown, but it will be associated with some type of collegiate activity. 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.*

**Rodney Weyant Residence**, Taylor Township, **Blair County**. Groundwater & Environmental Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601, on behalf of Rodney Weyant, R. D. 2, Box 218, Martinsburg, PA 16662, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. The site will be remediated to the Residential Statewide Health Standard and will remain residential.

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

**Mary Siemsen Residence**, Northumberland Borough, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Mary Siemsen, 272 King Street, Northumberland, PA 17857 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain residential.

## 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**39-309-074: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for installation of a dust collector at their facility in Whitehall Township, **Lehigh County**.

**35-302-123: PEI Power Corp.—PEI Power Station** (170 Power Boulevard, Archbald, PA 18403) for modification to their emission limits for the main boiler at their facility in Archbald Borough, **Lackawanna County**.

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

**42-158N: Temple Inland—Mt. Jewett** (P. O. Box, Thompson, GA 30824) to modify the PM emission rate at

the Secondary Sander Bagghouse at their Mt. Jewett facility in Mt. Jewett Township, **McKean County**. The facility currently has a Title V Permit No. 42-00158.

**61-210C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) to modify emission limits in a plan approval for an asphalt plant that burns alternative fuels at Glenn O. Hawbaker, Inc. Barkeyville Plant in Barkeyville Township, **Venango County**.

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**66-315-054: The Procter & Gamble Paper Products Co.** (P. O. 31, Mehoopany, PA 18692) for installation and operation of two additional napkin converting lines manufactured by Perini, model No. 3 to the existing converting operations for their plant in Washington Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval No. 66-315-054 to The Procter & Gamble Paper Products Co., P. O. 31, Mehoopany, PA 18692, for their plant located in Washington Township, Wyoming County. The facility currently has Title V Permit No. 66-00001. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 66-315-054 is for the installation and operation of two additional napkin converting lines manufactured by Perini, model No. 3 to the existing converting operations. These lines will convert paper rolls manufactured at the site into napkins. Each line will contain four flexographic printing head stations with ink applicator and adhesive application system to apply decorative inks on paper napkins. Each printing station is capable of using maximum of 881 pound of decorative inks per day for printing paper napkins (maximum total of 3,524 lbs of inks per line). The company has proposed to use inks containing maximum of 1.6% of VOC by weight, which meets State BAT requirements. Water will be used as a cleanup solution. The inks and coatings used on these lines will also comply with the requirements of 40 CFR Part 63, Subpart KK. The code dater will use maximum of 14.2 lbs/day of ink with a VOC content of 99% for each napkins line. This project does not impact emissions from other sources at the site. The VOC emissions increase due to modification will be 25.7 tpy, based on a 12-month rolling sum. The company has proposed to use internally available credits to offset these VOC emissions increase.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown previously. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 66-315-054.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. The persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper 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 Raymond Kempa, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

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

**ER-67-05004A: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) for an Air Quality Emission Reduction Credit approval of 428 tons of SO<sub>x</sub> resulting from the use of Power Boiler No. 5 to control pulpmill Low Volume High Concentration, Non-Condensable Gas in Spring Grove Borough, **York County**.

#### OPERATING PERMITS

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

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

**09-00007: Waste Management Disposal Services of Pennsylvania, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) for renewal of the Title V Operating Permit for their G.R.O.W.S. Landfill in Falls Township, **Bucks County**. The renewal will also include the incorporation of Plan Approval 09-0007B and RFD 09-A01-1122. The renewal does not contain any change in air emissions of regulated pollutants. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**16-00010: Owens-Illinois, Inc.—Plant No. 17** (151 Grand Avenue, Clarion, PA 16214) for the re-issuance of a Title V Permit to operate a glass containers manufacturing facility in Clarion Borough, **Clarion County**. The facility's major emission sources include two glass melting furnaces, two refiners, seven forehearths, seven lehrs, raw material handling/storage, cullet handling/storage, batch gathering and mixing, hot end surface treatment, seven container forming machines, miscellaneous combustion sources, 66 space heaters, grit blasting, road fugitives and four degreaser units. The facility is major

facility for Title V due to its potential to emit of NO<sub>x</sub> and SO<sub>x</sub> and not subject to CAM rule.

#### **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.*

**46-00021: First Quality Retail Services, LLC** (601 Allendale Road, King of Prussia, PA 19406) for a renewal of State-only (Synthetic Minor) Operating Permit No. 46-00021, in Upper Merion Township, **Montgomery County**, which was originally issued on September 8, 2003, and amended on July 2, 2004. The State-only Operating Permit (SOOP) is for the operation of three boilers, three emergency generators, a fire pump and 26 adult diaper and sanitary napkin production lines with associated dust collectors. The main pollutants emitted from the facility are NO<sub>x</sub> and PM. To maintain Synthetic Minor status, a site-level NO<sub>x</sub> emission restriction of less than 25 tpy is listed in the SOOP. The renewed SOOP will include the addition of an emergency generator and adult diaper production lines and the removal of some sanitary napkin and baby diaper production lines, as well as monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements

**46-00148: Pottstown Plating Co.** (Washington Street and Industrial Highway, Pottstown, PA 19464) for operation of a Plating and Polishing Facility, in Pottstown Borough, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on July 2, 2004. Several typographical changes have been made to the permit. The sludge dryer has been removed from the permit. The facility shall continue to remain a natural minor. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00059: Paulsonbilt, Ltd.** (1000 West 11th Avenue, Coatesville, PA 19320) for operation of a spray booth operation in the City of Coatesville, **Chester County**. The permit is for a non-Title V (State-only) facility. Several clerical changes have been made to the permit. No changes are being made to the permit. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**39-00092: Hale Trailer Brake & Wheel, Inc.** (5361 Oak View Drive, Allentown, PA 18104) for operation of a surface coating process at a trailer manufacturing and repair facility in Upper Macungie Township, **Lehigh County**. This is the initial issuance of a State-only Operating Permit.

**45-00021: Pocono Medical Center** (602 East Brown Street, East Stroudsburg, PA 18301-3094) for operation of two boilers at a hospital in East Stroudsburg, **Monroe County**. This is the renewal of a State-only Operating Permit.

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



**06-05076: Quadrant EPP USA, Inc.** (2120 Fairmont Avenue, Reading, PA 19612-4235) for operation of their existing specialty plastic manufacturing operation in the City of Reading, **Berks County**. This is a permit renewal of their existing operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**28-05018: Knouse Foods Cooperative, Inc.** (P. O. Box 807, Biglerville, PA 17307) to operate their Chambersburg fruit processing facility in Chambersburg Borough, **Franklin County**. This is a renewal of the State-only operating permit issued in August 2003.

**36-03067: Covance Research Products, Inc.** (310 Swampbridge Road, Denver, PA 17517) for operation of a pet cremation chamber in West Cocalico Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in 2003.

**67-03111: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17055) for their lithographic printing operation at Building No. 5 (3310 Connelly Road, Emigsville, PA 17318) in Manchester Township, **York County**. This is a renewal of the State-only operating permit issued in 2003.

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

**63-00899: Pleiger Plastics Co.** (P. O. Box 1271, Washington, PA 15301) for operation of a plastic product manufacturing facility in South Strabane Township, **Washington 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.*

**25-00995: Alliance Plastics, Inc.** (2614 McClelland Avenue, Erie, PA 16510) for issuance of a Natural Minor Operating Permit to operate a facility that manufactures vinyl-molded proprietary and custom plastic pieces in the City of Erie, **Erie County**. The facility's primary emission sources include three dip lines, a parts washer and a natural gas furnace.

## 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—86.34.

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.*

**03871303 and NPDES Permit No. PA0213667, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit for and related NPDES permit for the Darmac No. 2 Deep Mine in Plumcreek and Washington Townships, **Armstrong County** and Armstrong Township, **Indiana County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. Application received January 6, 2009.

**30080701 and NPDES Permit No. PA0235806, Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15243), to operate the Bailey Central Mine Complex Coal Refuse Disposal Area No. 5 in Richhill Township, **Greene County** a new coal refuse disposal area and related NPDES permit for sediment pond development. Receiving stream: UNT to Owens Run, classified for the following use: WWF. Application received September 9, 2008.

**32011301 and NPDES Permit No. PA0235636, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Palmerton Mine in Burrell Township, **Indiana County** and related NPDES permit. No additional discharges. Application received January 13, 2009.

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

**32040102 and NPDES No. PA0249491, Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701,

permit renewal for reclamation only of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 201.2 acres. Receiving streams: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 12, 2009.

**11813015 and NPDES No. PA0607991, Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Gallitzin and Logan Townships, **Cambria and Blair Counties**, affecting 170.6 acres. Receiving streams: UNT to and Kittanning Run, UNT to Glenwhite Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Altoona City Blair County Authority Burgoon Run Glenwhite SWI. (There are no potable water supply intakes within 10 miles downstream.) Application received February 18, 2009.

**11803024 and NPDES No. PA0124524, Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Dean Township, **Cambria County**, affecting 327.0 acres. Receiving streams: UNTs to and Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 18, 2009.

**32980110 and NPDES No. PA0234869, Opal Industries, Inc.**, P. O. Box 980, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Conemaugh Township, **Indiana County**, affecting 148.5 acres. Receiving streams: UNTs to and Sulphur Run; UNTs to and Blacklegs Creek; UNTs to and Kiskiminetas River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2009.

**56070201. NPDES No. PA0262501 and General Permit GP-12-56070301, Robindale Energy Services, Inc.**, 221 Grange Hall Road, Armagh, PA 15920, revision of an existing bituminous surface to obtain coverage for coal processing under air quality general permit GP-12 in Brothersvalley Township, **Somerset County**, affecting 23.0 acres. Receiving stream: Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 13, 2009.

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

**65030103 and NPDES Permit No. PA0250481. Sosko Coal Company, Inc.** (716 Ruffsdale Alverton Road, Mt. Pleasant, PA 15666). Renewal application for reclamation only of a bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 100 acres. Receiving streams: Stauffer Run and UNT to Stauffer Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received February 13, 2009.

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

**61980103 and NPDES Permit No. PA0227846. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip and limestone processing operation in Irwin Town-

ship, **Venango County** affecting 111.0 acres. Receiving streams: Five UNTs to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 18, 2009.

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

**17930128 and NPDES No. PA0219720. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Penn Township, **Clearfield County**, affecting 106.2 acres. Receiving stream: UNTs to Bell Run and Bell Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 28, 2009.

**14090101 and NPDES No. PA0257061. Larry D. Baumgardner Coal Co., Inc.** (P. O. Box 186, Lanse, PA 16849). Commencement, operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 36.5 acres. Receiving streams: UNTs to Black Moshannon Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 10, 2009.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**05920301 and NPDES Permit No. PA0212261. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES Permit, Snake Spring Valley Township, **Bedford County**. Receiving streams: Cove Creek and Raystown Branch of the Juniata River classified for the following uses: EV and TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 18, 2009.

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

**25090301. Lakeland Aggregates, Inc.** (13053 SR 89, Wattsburg, PA 19474). Commencement, operation and restoration of a sand and gravel operation in Venango Township, **Erie County** affecting 45.0 acres. Receiving streams: Bailey Brook, classified as WWF and UNT to

Bailey Brook, unclassified. There are no potable surface water supply intakes within 10 miles downstream. Application received February 10, 2009.

**19474-25090301-E-1. Lakeland Aggregates, Inc.** (13053 SR 89, Wattsburg, PA 19474). Application for a stream encroachment to utilize the existing bridge used as a haul road over Bailey Brook and for support activities in Venango Township, **Erie County**. Receiving streams: Bailey Brook, classified as WWF and UNT to Bailey Brook, unclassified. There are no potable surface water supply intakes within 10 miles downstream. Application received February 10, 2009.

**10020307. Parker Sand & Gravel Co.** (P. O. Box O, Parker, PA 16049) Renewal of NPDES Permit No. PA0242411, Parker Township and Parker City, **Butler and Armstrong Counties**. Receiving streams: UNT No. 2 to the Allegheny River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES renewal application received February 17, 2009.

**3076SM13. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125). Renewal of NPDES Permit No. PA0207535, Hempfield Township, **Mercer County**. Receiving streams: Mathay Run and UNT to Shenango River, classified for the following use: WWF. The first downstream potable surface water supply

intake from the point of discharge is Reynolds Water Company. NPDES renewal application received January 9, 2009.

**62090301. IA Construction Corporation** (158 Lindsay Road, Zelenople, PA 16063-2812). Commencement, operation and restoration of a sand, gravel and topsoil operation in Pittsfield Township, **Warren County** affecting 178.5 acres. Receiving streams: Six UNTs to Brokenstraw Creek and Brokenstraw Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application includes a post mining land use change from cropland, unmanaged natural habitat and forestland to unmanaged natural habitat and/or unmanaged water impoundment on the Robert Brace and Son's, Inc. property. Application received February 13, 2009.

**1910-62090301-E-1. IA Construction Corporation** (158 Lindsay Road, Zelenople, PA 16063-2812). Application for a stream encroachment to reconstruct a 500 foot segment of a UNT to Brokenstraw Creek along with constructing a permanent crossing over and encroaching no closer than 25 feet to an additional 2,150 foot segment of the stream. Receiving streams: a UNT to Brokenstraw and Brokenstraw Creeks, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 13, 2009.

**1910-62090301-E-2. IA Construction Corporation** (158 Lindsay Road, Zelenople, PA 16063-2812). Application for a stream encroachment to connect a 100 foot segment of a reconstructed channel to a UNT to Brokenstraw Creek. Receiving streams: a UNT to Brokenstraw Creek and Brokenstraw Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 13, 2009.

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

**6473SM3T2 and NPDES Permit No. PA0224758. Wilkes-Barre Materials, LLC**, (500 Chase Road, Shavertown, PA 18708), transfer of an existing quarry operation from American Asphalt Paving Company and adding an NPDES Permit for discharge of treated mine drainage in Plains Township and Laflin Borough, **Luzerne County** affecting 138.0 acres, receiving stream: Gardner Creek, classified for the following use: CWF. Application received February 17, 2009.

### 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

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

**E46-1038, Township of Lower Marion**, 75 East Lancaster Avenue, Lower Merion Township, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

*Shortridge Park Stream Stabilization Project*

To stabilize and restore approximately 2,000 linear feet of the stream banks along Indian Creek (WWF) within the Shortridge Park. This work includes a pedestrian access, vegetative barrier fence and low impact habitat structures.

The project commences approximately 145 feet north of the intersection of East Wynnewood Road and Shortridge Drive and runs along the west side of and almost parallels Shortridge Drive and ends at Remington Road in Lower Marion Township, Montgomery County (Lansdowne, PA USGS Quadrangle N: 22.6 inches; W: 1.98 inches).

**EA09-011. Carson Helicopter, Inc.**, 952 Blooming Glen Road, Perkasio, PA 18944, Hilltown Township, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

A request for an Environmental Assessment approval for impacts associated with the construction, operation and maintenance of a nonjurisdictional dam across a UNT to Pleasant Spring Creek (TSF). The proposed dam will provide stormwater management for the expansion of the existing Carson Helicopter facilities.

The site is located approximately 250 feet northwest of the intersection of Blooming Glen Drive and Dublin Road (Doylestown, PA USGS Quadrangle N: 17.8 inches; W: 14.7 inches).

**E46-1039. Scott Anderson, Huntingdon Valley Country Club**, 2295 Country Club Drive, Huntingdon

Valley, PA 19006, Upper Moreland Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To stabilize and maintain approximately 600 linear feet of streambank along UNT to Pennypack Creek (TSF-MF). This work is an addition to the work previously authorized under GP034607317 for approximately 225 linear feet of streambank stabilization which has already been completed.

The site is located approximately 1,000 feet northwest of the intersection of Paper Mill and Grasshopper Roads (Hatboro, PA USGS Quadrangle N: 1.4 inches; W: 13.50 inches).

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

**E48-402. Northampton County—Division of Parks and Recreation, Department of Public Works**, Greystone Building, Gracedale Complex, Nazareth, PA 18064, in Allen and East Allen Townships, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two single-span bridges across Catasauqua Creek (CWF), both having spans of 60 feet and a minimum underclearance of 3.36 feet and 2.63 feet, respectively, as well as a waterline crossing beneath Catasauqua Creek and the construction of 0.8125 acre of the proposed trail within the 100-year floodway of Catasauqua Creek for the purpose of adding 200 acres of new recreation area to the existing park system. The project is located approximately 2.95 miles northwest of the intersection of SR 0987 and US Route 22 (Catasauqua, PA Quadrangle Latitude: 40° 40' 44.6"; Longitude: 75° 27' 47.3").

**E48-401. Jajndl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069, in Hanover and East Allen Townships, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two stormwater outfall structures in and along the south side of Monocacy Creek (HQ-CWF) as follows: (1) install a 64 linear feet, 24 inch diameter RCP stormwater pipe, concrete endwall with R-4 riprap apron and 1,650 upstream; (2) install a 22 linear feet, 29 inch by 45 inch diameter HERCP stormwater pipe, and concrete endwall with R-4 riprap apron for the purpose of adequate conveyance of stormwater from the proposed Hanover Corporate Center II project site. The project is located approximately 2.29 miles northwest of the intersection of US Route 22 and SR 0191 in Hanover and East Allen Townships (Catasauqua, PA Quadrangle Latitude: 40° 41' 35.2"; Longitude: 75° 22' 54.0").

**E45-536. The Lost Trails, LLC**, The Inn at Pocono Manor, P. O. Box 774, Brodheadsville, PA 18322-0774, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 20-foot wide, 178-foot long road crossing through 0.08 acre of PEM wetlands within the Swiftwater Creek Watershed (HQ-CWF), consisting of rock fill and 16 12-inch diameter culverts spaced at 10-foot intervals to provide more stable access across the existing wetland and stream. The project is located 1.21 miles southeast of the intersection of I-380 and SR 0940 (Pocono Pines, PA Quadrangle Latitude: 41° 5' 22"; Longitude: 75° 23' 34").

**E48-403. Lower Saucon Township**, 3700 Old Philadelphia Pike, Bethlehem, PA 18015, in Lower Saucon Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a pedestrian bridge with a span of 30 feet and an underclearance of approximately 4 foot across Polk Valley Run (HQ-CWF). The project is located approximately 2.07 miles from the intersection of Interstate 78 and SR 0412 (Hellertown, PA Quadrangle Latitude: 40° 34' 4"; Longitude: 75° 19' 45").

**E39-491. Lehigh County**, 17 South Seventh Street, Allentown, PA 18101-2401, in North Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 2,625 linear feet, 12-foot wide gravel pedestrian walking trail adjacent to the eastern streambank of the Jordan Creek (TSF-MF), install a 100 foot long, 6 foot wide, single-span, steel pony truss bridge with wooden planking and open stairs across the Jordan Creek and to install a 6 foot wide, 1,230 sq. ft. wooden boardwalk spanning wetlands constructed on 6 inch by 6 inch square wooden columns for the purpose of improving the existing trail within the Trexler Nature Preserve. The project is located approximately 3.15 miles northeast of the intersection of SR 4040 and SR 0100 (Slatedale, PA Quadrangle Latitude: 40° 39' 13"; Longitude: 75° 37' 27").

**E13-160. Mieczyslaw (Matthew) Ewa Klecha**, 469 Forest Street, Lehigh, PA 18235, in Franklin Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a vegetated swale, trapezoidal channel discharging stormwater to Sawmill Run (EV) from the Homestead in the Pines Residential Subdivision located in Franklin Township, Carbon County. The channel is located along the south side of Forest Street, approximately 1,000 feet south from the intersection with Kriss Pines Drive (Lehigh, PA Quadrangle Latitude: 40° 52' 19"; Longitude: 75° 39' 18").

**E54-336. Schuylkill County Commissioners, Schuylkill County Courthouse**, 401 North Second Street, Pottsville, PA 17901-2528, in North Union Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To maintain a 3-span concrete T-beam bridge (County Bridge No. 100) across Catawissa Creek (CWF) with work consisting of removing a 40-foot wide by 170-foot long gravel bar upstream and downstream of the center span, filling a 40-foot wide by 20-foot long scour hole downstream of the right end span, and constructing a temporary construction road crossing. The project is located at the Lavenberg Road (T-453) Bridge, approximately 200 feet west of SR 0339 (Nuremburg, PA Quadrangle Latitude: 40° 53' 30"; Longitude: 76° 12' 55").

**E40-697. Borough of West Pittston**, 555 Exeter Avenue, West Pittston, PA 18643, in Borough of West Pittston, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a stormwater outfall of 60 inch diameter with a headwall, guidewall and riprap apron to the Susquehanna River (WWF). The site is located at the end of Philadelphia and Susquehanna Avenues (Pittston, PA Quadrangle Latitude: 41° 19' 35"; Longitude: 75° 48' 31").

**E45-539. Tom Lovito**, P. O. Box 658, Tannersville, PA 18372, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a minor road crossing of a UNT to Bulger Run (HQ-CWF) and adjacent exceptional value wetlands. The project is located along SR 0611, approximately 750 feet past Warner Road (Mount Pocono, PA Quadrangle Latitude: 41° 01' 44"; Longitude: 75° 17' 59").

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

**E18-440. Lock Haven University**, 301 West Church Street, Room 107, Lock Haven, PA 17745. Operation and Maintenance of Lusk Run Access Road, Lock Haven City, **Clinton County**, United States Army Corps of Engineers, Baltimore District (Lock Haven, PA Quadrangle Latitude: 41° 08' 36.6"; Longitude: 77° 28' 12.3").

The applicant proposes to operate and maintain an access road within the floodway of Lusk Run (CWF) for the operation of an existing stream enclosure. Construction of the existing access road was completed in association with previously acknowledged GP 111807503. The operation and maintenance of the access road poses no temporary or permanent wetland impacts. The access road is located along the southwestern right-of-way of Susquehanna Avenue approximately 1,320-feet southeast of Hill Street and Susquehanna Avenue intersection.

**E60-198. Robert L. Long**, 1667 Seven Kitchens Road, Winfield, PA 17889. Long Project, in Union Township, **Union County**, United States Army Corps of Engineers, Baltimore District (Northumberland, PA Quadrangle Latitude: 40° 53' 28.32"; Longitude: 76° 49' 31.58").

To construct and maintain: 1) 335 linear feet of R-7 riprap bank protection, 195-foot by 9-inch 3 to 4.5 foot tall reinforced concrete retaining wall; 2) a 185 square foot floating walkway and recreational dock; 3) 325 linear feet of R-7 riprap bank protection; 4) a 32-foot by 21-foot 9-inch open sided pavilion in the right floodway; and 5) a 2-foot diameter plastic spring outfall pipe located on the right bank of the West Branch Susquehanna River 1.5 miles downriver from SR 15. This project impacted 855 linear feet of the West Branch Susquehanna River, which is classified as a WWF.

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

**E02-1604. Duquesne Light Company**, 2825 New Beaver Avenue, Pittsburgh, PA 15233-1003. To construct and maintain a screening wall in Sewickley Borough and Moon Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 7.0 inches; W: 8.95 inches, Latitude: 40° 32' 18"; Longitude: 80° 11' 12"). The applicant proposes to construct and maintain a 10' high screening wall and its associated fill for a distance of approximately 230' in the right bank floodway fringe of the Ohio River (WWF), to construct and maintain a 138 KV line over the Ohio River and a UNT to the Ohio River, for the purpose of building the Sewickley substation expansion (138 KV Sewickley Loop Project). The proposed substation is located on the north east side of the intersection of Chadwick Street and White Avenue, the power line starts here and extends over the Ohio River.

**E04-325. Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To replace a 100 ft. long single span bridge in Marion Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Zelienople, PA Quadrangle N: 6.25 inches; W: 15.4 inches, Latitude: 40° 47' 03"; Longitude: 80° 14' 11"). The

applicant proposes to construct and maintain a 34.1 ft. wide, 100 ft. long single span bridge skewed 70° with an underclearance of 5.1 ft. to replace the existing SR 588, 22 ft. wide, 78 ft. long, single span bridge skewed 55° with an underclearance of 4.5 ft. over Brush Creek (WWF) with a drainage area of 47.8 square miles; construct and maintain associated rip-rap scour protection; temporary stream diversion for construction; relocate or shift 20 ft. southward 222 ft. of adjoining Brush Creek; fill and maintain 0.04 acre of adjoining de minimis PEM wetland; and to construct and maintain stormwater outfalls. The new bridge is located upstream and adjacent to the existing bridge. The project is located approximately 6 miles west of Zelienople.

**E63-611. Thomas Shea**, 122 Cedar Lane, McMurray, PA 15317. To construct apartment buildings and parking spaces in North Strabane Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Canonsburg, PA Quadrangle N: 5.17 inches; W: 4.27 inches, Latitude: 40° 16' 42.8"; Latitude: 80° 09' 20.9"). The applicant proposes to construct three apartment buildings and parking spaces on 4.7 acres of land along Morganza. Construction at the site will include placement of fill in the 100 year floodway of Chartiers Creek (WWF). The applicant proposes to place and maintain fill faced with rip rap for approximately 60 feet along the right bank floodway of Chartiers Creek for three proposed apartment buildings and associated parking lot. The project is located on the east side of Morganza Road, near its intersection with Centennial Road.

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

**E24-253. Spring Creek Township**, P. O. Box 385, Ridgway, PA 15853. T-301 Across Spring Creek, in Spring Creek Township, **Elk County**, United States Army Corps of Engineers, Pittsburgh District (Hallton, PA Quadrangle N: 41° 24' 02"; W: 78° 55' 59").

To remove the existing through truss bridge and to construct and maintain a prestressed concrete spread box beam bridge having two clear spans of 68.5 feet and an underclearance of 15.5 feet on a 70° skew across Spring Creek just above its confluence with Clarion River on T-301 at Hallton.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-018: PPL Holtwood, LLC**, Dennis J. Murphy, VP/COO, 2 North 9th Street, Allentown, PA 18101, Martic Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

PPL Hydroelectric Plant is located on the Susquehanna River (WWF) in Martic Township, Lancaster County. PPL proposes to construct a new powerhouse, install new turbines, construct a new skimmer wall and increase the forebay capacity and reconfigure the project facilities to enhance upstream fish passage through modification of existing facilities and excavations in the tailrace channel (Holtwood, PA Quadrangle N: 14 inches; W: 11.5 inches, Latitude: 39° 49' 37.7" N; Longitude: 76° 19' 50.4" W). The licensed installed capacity at the project would increase from 107.2 MW to a proposed 195.5 MW. To improve migratory fish passage at the project, PPL proposes to: (1) modify the existing fish lift; (2) reroute the discharge of Unit 1 in the existing powerhouse; and (3) excavate the project tailrace (33.49 acres), the forebay (4.63 acres) and Piney Channel (6.68 acres). PPL also

proposes to provide minimum flows, perform studies and evaluations of the effectiveness of the fish passage improvements and flow releases, improve existing and construct new recreational facilities, and protect special status plants and wildlife and cultural resources during construction. The project will cumulatively impact 1.24 acres of palustrine emergent and forested wetlands (approximately 0.50 acre of temporary impacts and approximately 0.73 acre of permanent impacts), approximately 7.60 acres of shallow water habitat and approximately 14.60 acres of deep water habitat. To mitigate for impacts associated with the project, PPL proposes to: (1) construct 0.25 acre emergent wetland, 1.96 acres forested wetland and establish 1.57 acres forested riparian buffer, and 1.8 acres upland forest at the RLPS Architect's property located west-southwest of the intersection of Oregon Pike (PA-272) and Valleybrook Drive in Manheim Township, Lancaster County (Lancaster, PA Quadrangle N: 15.96 inches; W: 5.37 inches, Latitude: 40° 05' 16.332" N; Longitude: 76° 17' 18.2004" W) in the floodway of Landis Run (WWF); (2) construct and maintain a 3,200.0-foot stream restoration project in and along Pequea Creek (WWF) (New Holland and Gap, PA Quadrangles Latitude: 40° 00' 01.1" N; Longitude: 76° 06' 11.1" W) located in Paradise and Leacock Townships, Lancaster County. The project shall include riparian plantings along 5,000.0 feet of Pequea Creek, 3,300.0 feet of streambank fencing providing a minimum of a 25-foot buffer on each side of the Pequea Creek, bank grading, two cattle crossings, one cattle access, four areas of habitat boulder placement, five rock cross vanes, nine J-hooks, three stream bank rock deflectors with logs, five root wads, four mudsill fish enhancement structures; (3) plant 3.2 acres of an existing agricultural field adjacent to the Susquehanna River with native tree species at a point just north of the intersection of Prescott and River Roads (SR 441) (York Haven, PA Quadrangle Latitude: 40° 06' 35.70" N; Longitude: 76° 41' 18.36" W) in Conoy Township, Lancaster County; (4) remove three dams (a) D36-306, Levi Fisher Dam, located on Pequea Creek (HQ-CWF) at a point just west of the intersection of Mount Vernon and Buena Vista Roads (Honey Brook, PA Quadrangle Latitude: 40° 1' 9.12" N; Longitude: 75° 59' 4.56" W) in Salisbury Township, Lancaster County; (b) Smucker Dam located on Groff Run (WWF) at a point just west of the intersection of Tabor Road and Custer Avenue (New Holland, PA Quadrangle Latitude: 40° 4' 9.84" N; Longitude: 76° 5' 8.52" W) in Earl Township, Lancaster County; and (c) Zimmerman Dam located on Conestoga River (WWF) at a point just southwest of the intersection of Cabin Road and Twenty-Eighth Division Highway (SR 322) (Ephrata, PA Quad-

range Latitude: 40° 9' 1.44" N; Longitude: 75° 8' 11.49" W) in Earl Township, Lancaster County; (5) expand the existing Pequea Boat Launch to include the addition of 18 trailer spaces, three car parking spaces, a boat ramp measuring 129.0 feet long and 20.0 feet wide and a 25.0-foot by 20.0-foot ADA accessible fishing platform and dock in and along the Susquehanna River (Conestoga, PA Quadrangle N: 2.5 inches; W: 16.5 inches, Latitude: 39° 53' 17.4" N; Longitude: 76° 22' 0.5" W); (6) extend the two existing boat ramps at the York Furnace Boating Access into the Susquehanna River (Safe Harbor, PA Quadrangle N: 0.75 inch; W: 1.0 inch, Latitude: 39° 52' 20.8" N; Longitude: 76° 22' 48.3" W); (7) construct additional parking along the existing McCall's Ferry Road, which is located in the floodway of the Susquehanna River (Holtwood, PA Quadrangle N: 13.0 inches; W: 12.5 inches, Latitude: 39° 49' 15.6" N; Longitude: 76° 20' 16.5" W), to provide parking for the white water boating community use, which additional parking includes widening McCall's Ferry Road by 27.5 feet for a distance of 137 feet; and (8) construct and maintain a bridge over the railroad tracks along the left bank of the Susquehanna River for the purpose of allowing recreational access to a new parking area, measuring 200.0 feet long by 50.0 feet wide, located between the railroad right-of-way and the Holtwood Tailrace (Holtwood, PA Quadrangle N: 13.25 inches; W: 11.0 inches, Latitude: 39° 49' 22.6" N; Longitude: 76° 19' 35.3" W). This parking area would include parking for 18 cars, with three spaces reserved for ADA access. From the parking area an ADA accessible trail would provide access to a 40.0-foot by 10.0-foot fishing platform along the Holtwood Tailrace. The fishing platform would be retrofitted from the abutment to the lower tailrace bridge.

**EA67-015: J.J. Two LP, Steamboat Landing Development**, East Manchester Township, York County, United States Army Corps of Engineers, Baltimore District.

The applicant proposes to remove a 0.91 acre onstream pond and restore 300.0 linear feet of a UNT to Hartman Run to facilitate a 64-lot residential subdivision known as Steamboat Landing. The applicant proposes to create PEM wetlands in the existing pond footprint and create a vegetated riparian corridor along the newly created channel. The project is located along Steamboat Boulevard, just east of its intersection with North George Street (York Haven, PA Quadrangle N: 6.7 inches; W: 12.6 inches, Latitude: 40° 2' 11.9" N; Longitude: 76° 42' 54.2" W) in East Manchester Township, York County.

**ACTIONS**

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

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 AT&T 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**

*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>
PA0247243 (Sew)	Foremost Industries, Inc. 2375 Buchanan Trail West Greencastle, PA 172225	Franklin County Montgomery and Peters Townships	Dry Swale to UNT West Branch Conococheague Creek 13-C	Y
PA0081884 (Sew)	Cuttin Company, LLC Victor Fiorino 25 Sandoe Road Gettysburg, PA 17325	Adams County Straban Township	UNT Beaverdam Creek 7-F	Y
PA0033057 (Sew)	Henry Nolt—Crestview Village MHP 455B Middlecreek Road Lititz, PA 17543	Dauphin County Londonderry Township	Iron Run 7-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0208639 (Sewage)	Hartleton Borough Municipal Authority Hartleton Borough WWTP P. O. Box 31 Hartleton, PA 17829	Hartleton Borough Union County	Cold Run TSF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0095150 Sewage	FMJ Enterprises, LLC P. O. Box 906 Uniontown, PA 15401	Allegheny County Forward Township	Monongahela River	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>
PA0092517 Sewage	Allegheny Plaza Associates I c/o Rosen Associates Management Corporation 33 South Service Road Jericho, NY 11753-1006	Westmoreland County Allegheny Township	UNT of Pine Run	Y
PA0203700 Sewage	Bruderhof Communities in PA, Inc. Route 381 North P. O. Box 260 Farmington, PA 15437	Fayette County Wharton Township	Deadman Run	Y
PA0218421 Sewage	The Spring Church Group 2867 Washington Road McMurray, PA 15314	Armstrong County Kiskiminetas Township	UNT of Roaring Run	Y
PA0098477 Sewage	Highland Tank One Highland Road Stoystown, PA 15563	Somerset County Quemahoning Township	Oven Run	Y
PA0091791 Sewage	Joseph Argiro R. D. 2 Box 368 Connellsville, PA 15425	Fayette County Bullskin Township	Breakneck Run	Y
PA0096326 Sewage	Wareham Investment Company, LP 344 Den-Rick Lane Jeannette, PA 15644	Westmoreland County Hempfield Township	UNT of Brush Creek	Y
PA0204960 Sewage	Briselli, Inc. P. O. Box 533 Lawrence, PA 15055	Washington County Cecil Township	UNT to McPherson Creek	Y
PA0218065 Sewage	RoxCoal, Inc. P. O. Box 149 Friedens, PA 15541	Indiana County Green Township	UNT of North Branch Two Lick Creek	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>
PA0222739	Blooming Valley United Methodist Church	Blooming Valley Borough Crawford County	UNT to Woodcock Creek 16-A	Y
PA0221015	Mainline North Interchange STP Route 60 Beaver Valley Expressway New Castle, PA 16102	North Beaver Township Lawrence County	UNT to Beaver River 20-B	Y
PA0030317	Clarion Limestone Area School District 4091 C-L School Road Strattenville, PA 16258	Clarion Township Clarion County	UNT to Little Piney Creek 17-B	Y
PA0238970	Water Gait Community Water Association 36 North Gait Drive Slippery Rock, PA 16057	Liberty Township Mercer County	UNT to Wolf Creek 20-C	Y
PA0222763	Charter Plastics 221 South Perry Street Titusville, PA 16354	City of Titusville Crawford County	Oil Creek 6-E	Y

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

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

**NPDES Permit No. PA0056804**, Industrial Waste, **North Penn and North Wales Water Authorities, d/b/a Forest Park Water**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Chalfont Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated process wastewater from a water filtration plant into Pine Run in Watershed 2F-Neshaminy.

**NPDES Permit No. PA0039004**, Sewage, **Upper Gwynedd-Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446. This proposed facility is located in Towamencin Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Towamencin Creek in Watershed 3E.

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

**NPDES Permit No. PA0009458, Amendment No. 1**, Industrial Waste, **Pittsburgh Glass Works, LLC**, P. O. Box 307, Tipton, PA 16684-0307. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Transfer of Permit.

### **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. 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.

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

**WQM Permit No. 0703201, Transfer No. 1**, Sewage, **Pittsburgh Glass Works, LLC**, P. O. Box 307, Tipton, PA 16684-0307. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. WQG02670804**, Sewage, **Spring Grove Borough**, One Campus Avenue, Spring Grove, PA 17362-0126. This proposed facility is located in Spring Grove Borough, **York County**.

Description of Proposed Action/Activity: Interceptor Replacement.

**WQM Permit No. 3608408**, Sewage, **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: Permit approval for the construction/modification/operation of sewerage facilities consisting of: anaerobic selector tank, dual oxidation ditches, secondary anoxic reactor and two additional final clarifiers.

**WQM Permit No. 2208408**, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Allen Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: replacement or relocation of 1,860' of Trunk B (12" and 15") from MH-758 to MH-766 and 280' of Jonestown R/W Trunk (12") from H-892 to MH-894 in Basins PC-4B, 4C and 4D.

**WQM Permit No. 3108402**, Sewage, **Spring Ridge Club**, Donald Beaver, 150 West Seventh Street, Bellwood, PA 16617. This proposed facility is located in Spruce Creek Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: 12 separate systems of septic tank, ecoflo biofilter, lift station, dosing tank and elevated sand mound.

**WQM Permit No. 0708404**, Sewage, **Altoona City Authority, Wessterly Treatment Plant**, 20 Greenwood Road, Altoona, PA 16602. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: Construction of a pretreatment building to house three new fine screens and vortex grit units, conversion of the aeration units to Nutrient Removal Treatment (NRT) Reactor Nos. 1 and 2 using MLE process, conversion of the existing South Equalization tank to NRT Reactors Nos. 3 and 4, construction of additional two 120' diameter clarifiers, a new Return Activated Sludge building, a new UV disinfection building to house UV units and screw lift pumps, a new generator building and modification to the existing pretreatment and disinfection building. The proposed project is designed to treat maximum weekly flow of 31.8 mgd, Maximum Daily Flow of 48.4 mgd, Maximum Instantaneous Flow of 60 mgd, Annual Total Kjeldahl-N of 1,698 lbs/day and Annual Total Phosphorus of 340 lbs/day.

**WQM Permit No. 3602407, Amendment 09-1**, Sewage, **Southern End Properties**, 35 Friendly Drive, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approves the construction/modification/operation of sewerage facilities consisting of: The addition of an equalization tank, a third recirculating sand filter and a third pea gravel bed at Musser's Market.

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

**WQM Permit No. 5908401**, Sewerage 4952, **Municipal Authority of the Borough of Mansfield**, 19 East Wellsboro Street, Mansfield, PA 16933. This proposed facility is located in Mansfield Borough, **Tioga County**.

Description of Proposed Action: The applicant is approved for improvements to the existing Wastewater Treatment Plant that will increase the capacity and the performance of the facility. The upgrades will convert the WWTP from an

activated sludge process with secondary clarifiers to a Membrane Bioreactor system, which will provide nutrient removal capabilities. Chlorination will also be provided. The flow will increase from 1.0 mgd design capacity to 1.3 mgd design capacity.

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

**WQM Permit No. 468S079-A4**, Sewerage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. This existing facility is located in Penn Hills Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for improvements to the Long Road wet weather equalization facility and sanitary sewer line construction to reduce or eliminate surcharging along Long and Beulah Roads.

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

**WQM Permit No. 4209401**, Sewerage, **Eldred Township Municipal Authority**, 1834 West Eldred Road, Eldred, PA 16731. This proposed facility is located in Eldred and Otto Townships, **McKean County**.

Description of Proposed Action/Activity: Eldred Township is proposing to construct a wastewater collection and conveyance system to serve portions of the Township. Wastewater will be conveyed along SR 346 south to the existing Otto Township wastewater treatment plant. The proposed project will serve 87 EDU's and will consist of pressure sewer force main lines, low pressure sewer collectors and one duplex pump station.

**WQM Permit No. 2408403**, Sewerage, **Johnsonburg Municipal Authority**, 520A Market Street, Johnsonburg, PA 15845. This proposed facility is located in Johnsonburg Borough, **Elk County**.

Description of Proposed Action/Activity: Construction of a 1.0 mgd renovated wastewater treatment plant, miscellaneous site work and facility renovations.

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

**WQM Permit No. 4608407**, Sewerage, **Horsham Water and Sewer Authority**, 167 Horsham Road, Horsham, PA 19044. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 744,100 gallon in-line flow equalization tank to better manage wet weather flows at the existing STP.

**WQM Permit No. 230840**, Sewerage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Development of 4.00 acres of land proposed for residential development utilizing low pressure sewer to convey sanitary waste.

**WQM Permit No. 4604412- A-1**, Sewerage, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Addition of monthly maximum flow and rerate of average flow.

---

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

---

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

---

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

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903037R	Upper Macungie Township 8330 Schantz Road Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Tributary to Little Lehigh Creek HQ-CWF
PAI024808007	Calvary Baptist Church of Bethlehem 111 Dewberry Avenue Bethlehem, PA 18017	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCP-0708801	Kettle Creek Partners, LP P. O. Box 34 301 Plum Creek Road Roaring Spring, PA 16673	Blair	Logan Township	UNT to Sandy Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064308001	Cocca Development, Ltd. 10 DeBartolo Place Suite 400 Boardman, OH 44512	Mercer	Mercer Borough	Department of Transportation Municipal Separate Storm Sewer and Neshannock Creek TSF

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

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

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

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

#### *General Permit Type—PAG-2*

#### *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>
Upper Makefield Township Bucks County	PAG200 0903015-R	Pisani Builders 403 Appian Way Doylestown, PA 18901	Houghs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG200 0907112	Kimco Realty Corporation 170 West Ridgely Road Suite 210 Lutherville, MD 21093	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG200 0908109	Bensalem Township P. O. Box 413 Buckingham, PA 19812	Tributary Pine Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG200 4604162	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Wissahickon/Stoney Creeks TSF, WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

1243

<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>
Upper Merion Township Montgomery County	PAG200 4608004	Al Rossi 3330 Fisher Road Lansdale, PA 19446	UNT Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4608172	Upper Providence Township 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	UNT Donny Brook TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4608167	Upper Providence Township 1286 Black Road Road P. O. Box 406 Oaks, PA 19456	UNT to Mingo Creek/Tindey Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG200 4608160	Sinacom North America, Inc. 1020 West 8th Avenue King of Prussia, PA 19406	Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG200 4605128	Swedeland Volunteer Fire Co. P. O. Box 60847 609 A Street King of Prussia, PA 19406	UNT Matsunk Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG200 4607157	Department of Military and Veterans Affairs Building 0-10 FTIG Annville, PA 17003	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Brookhaven Borough Delaware County	PAG200 2308035	Strategic Property Trust P. O. Box 511 Wayne, PA 19087	RidleyCreek/Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ridley Township Delaware County	PAG200 2308058	Ridley Township 100 East MacDade Boulevard Folsom, PA 19033	Darby Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hanover Township Luzerne County	PAG2004008025	Mericle 1058 Hanover, LLC Attn: Robert Mericle East Mountain Corp. Center 100 Baltimore Drive Wilkes-Barre, PA 18702	Warrior Creek CWF	Luzerne County Conservation District (570) 674-7991
Pine Grove Township Schuylkill County	PAG2005408016	GJW Real Estate Dev., LLC Attn: William R. Spotts 51 Church Road Schuylkill Haven, PA 17972	Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Maxatawny Township Berks County	PAG2000608028	Richard Snyder The Development Group, LLC 119 West Lancaster Avenue Shillington, PA 19607	Sacony Creek CWF	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.*

Exeter Township Berks County	PAG2000603089-R	Edward Cressman Harleysville National Bank 483 Main Street Harleysville, PA 19438	Trout Run—Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Wernersville Borough Berks County	PAG2000605014-2	Walter Greth Greth Development Group, Inc. 253 Snyder Road Reading, PA 19605	Manor Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre Township Centerport Borough Berks County	PAG2000605077	William Fitzgerald Patriot Professionals, Inc. P. O. Box 203 Temple, PA 19560	Irish Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Exeter Township Berks County	PAG2000604041- 1R	Doug Emore Redner's Warehouse Markets 3 Quarry Road Reading, PA 19605	Antietam Creek—Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Maidencreek Township Berks County	PAR10C299RR	Robert Hanna Maidencreek Plaza Company P. O. Box 96 Temple, PA 19560	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Logan Township Blair County	PAG2000708018	C&C Development James Colombo 3506 Fort Robedeau Avenue Altoona, PA 16602	Brush Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Derry Township Mifflin County	PAG2004408002	Diakon Lutheran Social Ministries c/o Tim Reed 798 Hausman Road Allentown, PA 18104	UNT to Kishacoquillas Creek TSF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Derry Township Dauphin County	PAG2002209001	Bruce Winters 575 Bruwin Drive Hummelstown, PA 17036	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Pennsboro Township Cumberland County	PAG2002108024	Robert Gill East Pennsboro Township 98 South Enola Drive Enola, PA 17025	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812

NOTICES

1245

<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>
Spring Township Berks County	PAG2000608063	Ian Salada The Pennsylvania State University Physical Plant Building University Park, PA 16802	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
North Cornwall Township Lebanon County	PAG2003808022	Iona Properties Marlin Martin 575 Charles Street Lebanon, PA 17042	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 (717) 272-3908, Ext. 4
North Londonderry Township Lebanon County	PAG2003808023	Arbor Greene Partners, LP Michael Glass 408 West James Street Lancaster, PA 17608-1998	UNT to Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 (717) 272-3908, Ext. 4
Carroll Township Perry County	PAG2035009001	Maverick Homes Jared Sawyer 696 Losh Road Shermansdale, PA 17090	UNT to Sherman Creek WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Spring and Tyrone Townships Perry County	PAG2035008013	John E. and Nancy L. Johnson 1820 Landisburg Road Landisburg, PA 17040	Baken Creek CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Conewago Township Adams County	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
Huntingdon Township Adams County	PAG2000109004	John W. Krichten D.F. Homes, LLC 145 Cedar Ridge Road New Oxford, PA 17350	Gardner Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Richmond Township Berks County	PAG2000608072	Fernando Folino Pennaco Excavating, Inc. 63 South Hampton Drive Wyomissing, PA 19610	Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000609006	Allen Homan 1281 West Leesport Road Leesport, PA 19533	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<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>
Ruscombmanor Township Berks County	PAG2000609001	James Lanshe PI-STAR, Inc. 7 Gibraltar Road Reading, PA 19606	Little Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Hereford Township Berks County	PAG2000608071	James Mack 7180 Pine Tree Road Hereford, PA 18056	UNT to Perkiomen Creek—Perkiomen Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Lycoming County Armstrong Township	PAG2004108005	Gay English 1205 Mosquito Valley Road Williamsport, PA 17701	Mosquito Creek CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Snyder County Middleburg Borough	PAG2005508008	Midd-West School District Gary Thomas 568 Main Street Middleburg, PA 17842	Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Armstrong County Madison Township	PAG2000309001	Ron Steffey Allegheny Valley Land Trust P. O. Box 777 Kittanning, PA 16201	Allegheny River WWF Mahoning Creek CWF	Armstrong County Conservation District (724) 548-3425
Beaver County Rochester, Marion and New Sewickley Townships Rochester and Zelienople Boroughs	PAG2000408018	James Riggio, General Manager Beaver Falls Municipal Authority 1425 Eighth Avenue Beaver Falls, PA 15010	Dutchman's Run, Bush Creek, Muntz and Glade Runs WWF	Beaver County Conservation District (724) 378-1701
Washington County Nottingham and Peters Townships	PAG2006309007	Roland Keddie 508 Nottingham Forest Drive Eight-Four, PA 15330	Peters Creek TSF	Washington County Conservation District (724) 228-6774
Westmoreland County Ligonier Township	PAG2006508023	Bary Sullivan P. O. Box 183 Laughlintown, PA 15655	UNT to Loyalhanna Creek CWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Lower Burrell City	PAG2006508028	Frank Zicarelli Zicarelli Enterprises 3 Federelli Square New Kensington, PA 15068	UNT to Little Pucketa Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County South Huntingdon Township	PAG2006508034	Eldo, Inc.—Betty Ann Bisacca 700 Atlantic Avenue McKeesport, PA 15132	Dutch Hollow Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Murrysville	PAG2006508036	Murrysville Drive-In 995 Wildlife Lodge Road Lower Burrell, PA 15068	UNT to Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Penn Township	PAG2006508040	Ray Snoznik R.A. Snoznnik Cons. 445 Old William Penn Highway Murrysville, PA 15668	Brush Creek TSF	Westmoreland County Conservation District (724) 837-5271



*Facility Location:  
Municipality &  
County*

<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>
Westmoreland County Hempfield Township	PAG2006508045	Jawdat Nikoula JJMJ, LLC 905 Spruce Street Irwin, PA 15642	Tributary to Slate Creek WWF	Westmoreland County Conservation District (724) 837-5271
Butler County Butler Township	PAG2001004009-R	Richard Ritenour 520 Evans City Road Butler, PA 16001	UNT Connoquenessing Creek CWF	Butler County Conservation District (724) 284-5270
Butler County Jackson Township	PAG2001008009	Patrick Hennon Glade Run Enterprises, LP 104 Martin Avenue, Ellwood City, PA 16117	Glade Run WWF	Butler County Conservation District (724) 284-5270
Lawrence County Shenango Township	PAG2003708008	Joseph Monsour 1418 Butler Road New Castle, PA 16101	UNT Big Run WWF	Lawrence County Conservation District (724) 652-4512
McKean County Foster Township	PAG2004207001	Foster Township 1185 West Main Street Bradford, PA 16701	Kendall Creek WWF	McKean County Conservation District (814) 887-4001

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*

<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>
Lancaster County Upper Leacock Township	PAR223518	Skyline Corporation/Skyline Homes P. O. Box 743 Elkhart, IN 46515-0743	UNT Mill Creek WWF 7J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mount Joy Borough	PAR123532	Wenger's Feed Mill, Inc.—Rheems Mill 101 West Harrisburg Avenue P. O. Box 26 Rheems, PA 17570-0026	UNT Donegal Creek CWF 7G	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bradford Township Clearfield County	PAR704815 (Stormwater)	Whitaker Roads Corporation 88 Barrett Road Clearfield, PA 16830	UNT to Roaring Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Milton Borough Northumberland County	PAR804880 (Stormwater)	Truck Accessories Group, LLC, d/b/a Leer East 3560 Housels Run Road Milton, PA 17847	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Brady Township Clearfield County	PAR604812 (Stormwater)	Richard Cherico Chapman Auto Parts, Inc. 2608 Carbon Hill Road DuBois, PA 15801	UNT to Pentz Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*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>
Upper Makefield Township Bucks County	PAG040104	Upper Makefield Township 1076 Eagle Road Newtown, PA 18940	UNT to Jericho Creek Watershed 2E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Berks County Alsace Township	PAG043635	Lee R. Bierly 1879 Friedensburg Road Reading, PA 19606	Antietam Creek CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Montgomery Township	PAG043887	Martin Millwork 12560 Shimpstown Road Mercersburg, PA 17236-9715	UNT Licking Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Greenwich Township	PAG043558	Karen R. Kuhns 1685 Route 143 Lenhartsville, PA 19534-9404	UNT Maiden Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Alsace Township	PAG043718	Larry Hain P. O. Box 191 Mohrsville, PA 19541-0191	Iron Stone Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-6**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>
McKees Rocks Borough Allegheny County	PAG066112	McKees Rocks Borough 340 Bell Avenue Arnold, PA 15068	Ohio River and Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**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>
Franklin County Washington Township	PAG123601	Lamar Horst 11599 Koons Road Waynesboro, PA 17268	West Branch Antietam Creek CWF 13-C	DEP—SCRO Watershed Program 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 AT&T 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.

**NUTRIENT MANAGEMENT PLAN—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>
Steve Hykes 1239 Hykes Road Greencastle, PA 17225	Franklin	533.1	662.8	Swine/Beef	NA	Approved
Hillside Poultry Farm 1849 Letterkenny Road Chambersburg, PA 17202	Franklin	455	1,210	Poultry	NA	Approved
New Hope Farm 23177 Back Road Concord, PA 17217	Franklin	130	1,319.9	Swine	NA	Approved
CVFF 6360 Flank Road Harrisburg, PA 17112						
Rodney Shearer 5244 Shearer Lane Spring Grove, PA 17362	York	70.2	363.71	Layer	HQ	Approved
Noah Sauder Jr. 401 Elco Drive Myerstown, PA 17067	Lebanon	10	488.6	Swine	NA	Approved

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

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

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

<b>Permit No. 2808501</b> , Public Water Supply.	
Applicant	<b>Guilford Water Authority</b>
Municipality	Guilford Township
County	<b>Franklin</b>
Type of Facility	New Pond Bank Wells 1 and 2 with disinfection and fluoridation.
Consulting Engineer	Diana Young, P. E. Buchart-Horn, Inc. P. O. Box 15040 York, PA 17405-7040
Permit to Construct Issued	February 23, 2009

<b>Permit No. 2108508</b> , Public Water Supply.	
Applicant	<b>Pennsylvania American Water</b>
Municipality	Silver Spring Township
County	<b>Cumberland</b>
Type of Facility	Construction of a new clearwell.

Consulting Engineer Diana Young, P. E.  
Buchart-Horn, Inc.  
P. O. Box 15040  
York, PA 17405-7040

Permit to Construct February 19, 2009  
Issued

**Operations Permit** issued to **Warriors Mark General Authority**, 4310031, Warriors Mark Township, **Huntingdon County** on February 19, 2009, for the operation of facilities approved under Construction Permit No. 3108507 MA.

**Operations Permit** issued to **Possam Valley Municipal Authority**, 7010034, Menallen Township, **Adams County** on February 19, 2009, for the operation of facilities approved under Construction Permit No. 0108514 E.

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

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

Applicant **The Meadows at Watsonstown**  
Municipality Delaware Township  
County **Northumberland**  
Type of Facility Contact piping to bypass existing finished water tank.

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

Permit to Construct February 23, 2009  
Issued

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

Applicant **Augusta Spring Water, Inc.**  
Municipality Upper Augusta Township  
County **Northumberland**  
Type of Facility Construction of a new UV disinfection unit.

Consulting Engineer Eric Lundy, P. E.  
Suite 1  
2836 Earlstown Road  
Centre Hall, PA 16828

Permit to Construct February 20, 2009  
Issued

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

**Permit No. 0208513**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

Borough or Township City of Pittsburgh and Baldwin Borough, **Allegheny County**; and Union Township, **Washington County**

County

Type of Facility Chloramination addition at Hays Mine Station, E.H. Aldrich and Mt. Washington booster station

Consulting Engineer

Permit to Construct February 12, 2009  
Issued

**Operations Permit** issued to **Sugar Creek Rest Home, Inc.**, R. D. 2, Box 80, Worthington, PA 16262, (PWSID No. 5030034) Sugar Creek Township, **Armstrong County** on February 12, 2009, for the operation of facilities approved under Construction Permit No. 0389503-A2.

**Operations Permit** issued to **Richland Township Municipal Authority**, 2012 Kramer Road, Gibsonia, PA 15044, (PWSID No. 5020018) Richland Township, **Allegheny County** on February 12, 2009, for the operation of facilities approved under Construction Permit No. 0206510MA.

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, (PWSID No. 5650031) Ligonier Township, **Westmoreland County** on February 12, 2009, for the operation of facilities approved under Construction Permit No. 6507507MA.

**Permit No. 0205505MA, Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

Borough or Township Municipality of Bethel Park  
County **Allegheny**

Type of Facility Castle Shannon water storage tank

Consulting Engineer

Permit to Operate February 12, 2009  
Issued

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

**Wellhead Protection Program Approval** issued to **E. J. Gulick Manufactured Housing Community**, 106 Beatty Drive, Saxonburg, PA 16056, PWSID No. 5100062, Winfield Township, **Butler County** on January 15, 2009.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under section 5 of 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>
East Penn Township	167 Municipal Road Lehighon, PA 18235	Carbon

*Plan Description:* This Plan Amendment, as outlined in its "Plan Content" section, calls for:

(1) Updates to the implementation schedule to reflect the current project timeline, which indicate a construction completion date of November 2010.

(2) Updates to the budget figures based upon construction costs in 2009, and the projected cost of the Bowmanstown Borough wastewater treatment plant capital contribution.

(3) Updates to the budget figures for the User Tapping Fee and for the Annual User Charges.

(4) A change in the alignment routing of the gravity sewer lines connecting East Penn Township's proposed service area to Bowmanstown Borough's existing wastewater treatment plant.

The Department of Environmental Protection's (Department) review of this Plan Amendment has not identified any significant environmental impacts resulting from this proposal.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan Amendment must be in compliance with the Department's regulations and must be submitted to and approved by the Department in writing.

*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>
Lower Macungie Township	3400 Brookside Road Macungie, PA 18062	Lehigh
Upper Macungie Township	8330 Schantz Road Breinigsville, PA 18031	Lehigh
Lehigh County Authority	1053 Spruce Road P. O. Box 3348 Allentown, PA 18106	Lehigh

*Plan Description:* The approved plan was prepared for a proposed project in the Lehigh County Authority's Western Lehigh Interceptor System. The approved plan provides for:

Construction of the 5.5 mgd Iron Run Pumping Station in Upper Macungie Township on the site of the LCA's Wastewater Treatment Plant at PA Route 100 and Industrial Boulevard.

Construction of a 20-inch diameter force main with a length of about 19,250 LF from the Iron Run Pumping Station that will connect to the existing 24-inch diameter Spring Creek force main, near Lower Macungie Road. The Iron Run Force Main is located in both Upper Macungie and Lower Macungie Townships.

The wastewater will ultimately enter the City of Allentown's sewer system and sewage treatment plant that discharges effluent to the Lehigh River, a tributary of the Delaware River.

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>
Oliver Township	4670 US Highway 522 South McVeytown, PA 17051	Mifflin

*Plan Description:* The approved plan provides for sewer service for existing development in Oliver Township from McVeytown eastward along US Route 522/22 to Wakefield

Run with a proposed gravity and low pressure sewer extension tributary to the existing McVeytown sewage treatment plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

**Prompt Interim Response, Girardville MGP Site  
Girardville Borough, Schuylkill County**

Under section 113 of the Hazardous Sites Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1305), the Department of Environmental Protection (Department) has initiated a Prompt Interim Response action at the Girardville Manufactured Gas Plant (MGP) Site (Site). This response was undertaken under sections 505(b) and (c) of HSCA, (35 P. S. § 6020.505(b) and (c)). The Site is located along the Mahanoy Creek to the south at the intersection of North John and Oak Streets in the Borough of Girardville, Schuylkill County, PA.

The Site was used as an MGP from 1885 until dismantling began in 1928. MGP waste materials typically contain subordinate amounts of light oils (VOC materials) entrapped within the heavier tar layers. The purification stage of the gas manufacturing process typically removed much of the coal tar residue from the gas prior to distribution. However, not all of the tar materials were removed and coal tars commonly accumulated at the base of the gasholders and within the distribution pipelines leading into and away from the gasholders. Historically, the coal tar residues were generally disposed of onsite (by burial or discharge to an adjacent waterway). The Site was completely vacated by 1947 and became primarily used for recreation by the local public.

The Department initiated a site investigation through a contractor on April 2, 2003. Site work (survey, geophysics and soil sampling) began on September 29, 2003. Groundwater wells were installed in February 2004, and sampling was conducted in March and November 2004. The Site Characterization Report was finalized in August 2005. MGP site-related wastes (coal tars) containing VOCs, semi-VOCs and inorganic compounds, were found in the site soils, sediments and groundwater. Specifically, benzene and ethylbenzene were the VOCs detected in soils above regulatory standards. Also, the following SVOCs were detected in soils at concentrations above regulatory standards: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, 2,4-dinitrophenol, 2,4-dinitrotoluene, 2,6-dinitrotoluene, hexachlorobenzene, hexachlorobutadiene, indeno(1,2,3-cd)pyrene, naphthalene and nitrobenzene. The Department's contractor submitted the final Analysis of Alternatives on March 16, 2005.

The remedial action objectives at the Girardville MGP Site were to remove or mitigate potential exposure to surface and subsurface soils at the Site that contain coal tar related compounds that exceed regulatory standards and minimize the leaching, migration and offsite transport of the residual coal tar compounds contained in the soils to the groundwater, sediment and surface water media at the Site. The Department evaluated several alternatives for the proposed response action which included:

- 1) No Action.
- 2a) Excavation and Landfill Disposal.
- 2b) Excavation and Low Temperature Thermal Desorption.
- 3a) Low Permeable Cap with No Excavation.
- 3b) Soil/Asphalt Cover with No Excavation.
- 4a) Low Permeable Cap with Limited Excavation.
- 4b) Soil Cover with Limited Excavation.

Based upon an evaluation of the alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements, feasibility, permanence and cost-effectiveness, the Department selected Alternative 3b as the response action for the Site. The evaluation of the alternatives is detailed in the Analysis of Alternatives document which is contained within the Administrative Record.

With reports of children digging in the areas of contamination, the Department determined that a Prompt Interim Response action was required to protect the public health and environment. Construction of the asphalt cap began on October 6, 2008, and was completed on Monday, October 27, 2008. The only work left to complete is the installation of groundwater monitoring wells. The Department will continue to monitor the groundwater and surface water to ensure the effectiveness of the chosen remedy.

This notice is being provided under 505(b) and 506(b) of HSCA. The Administrative Record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The Administrative Record is available for review at the Department's Northeast Regional Office (Monday through Friday from 8 a.m. to 4 p.m.) and the Girardville Municipal Building, Schuylkill County.

The Administrative Record will be open for comment from March 7, 2009, to June 4, 2009. Persons may submit written comments into the record during this time only, by sending them to Leonard Zelinka, Project Officer, at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the Administrative Record, at a public hearing. The Department has scheduled the hearing for April 29, 2009, at 10 a.m. at the Girardville Municipal Building. The testimony at the public hearing will be limited to the Prompt Interim Response, which involved the placement of an asphalt cap over the entire Site. Persons wishing to present testimony at the April 29, 2009, hearing regarding this Prompt Interim Response should register with Leonard Zelinka before April 28, 2009, by telephone at (570) 826-5441, or in writing to Leonard Zelinka at the Department's Northeast Regional Office. If no person registers to present oral comments by the date specified previously, the hearing will not be held. Persons interested in finding out if anyone has registered and if the hearing will be held, should contact Len Zelinka.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Leonard Zelinka or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## 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:

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

**Richboro Center**, Northampton Township, **Bucks County**. Andrew Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Richard Shore, Richboro-Gelt Partners, LLC, 2755 Philmont Avenue, Suite 130, Huntingdon Valley, PA 19006, Steve Lees, R. Norman Turner Estate Trust, 34 South Street, Newtown, PA 18940 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 4 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Greene Tweed & Co.**, Towamencin Township, **Montgomery County**. Rick Cheever, Green Tweed & Company, 2075 Detwiler Road, Kulpville, PA 19443 has submitted a Final Report concerning remediation of site

soil and groundwater contaminated with No. 2, No. 4 and No. 6. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Anders Residence**, Downingtown Borough, **Chester County**. James H. Mulry, P. G., Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Manor Professional Building, Suite 3, Glenmoore, PA 19343 on behalf of Donald Anders, 304 Bishop Morgan Court, Downingtown, PA 19335 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**269 Canal Road Site**, Falls Township, **Bucks County**. Trevan J. Houser, QEP, Land Resource Solutions, LLC, 1274 North Church Street, Moorestown, NJ 08057 on behalf of Anthony Cino, 269 Canal Road, LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganic, chlorinated solutions, PCBs and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**West Chester Commons**, West Goshen Township, **Chester County**. Michael Christie, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Timothy Regan, Weston Commons, LP, 100 Centre Boulevard, Suite E, Marlton, NJ 08053 submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard and Background Standard.

**US Steel Fairless Works 35.26 Acre Liberty Coating KIPC**, Falls Township, **Bucks County**. Brian J. McGuire, CHMM, Langan Engineering and Environmental Services, Inc., River Drive Center 1, Elmwood Park, NJ 07407-1338 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219, Donald Barder, Liberty Coating Company, 21 South Steel Road, Morrisville, PA 19067 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**McLean Package**, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Joe Fenkel, McLean Packaging Company, 1504 Glen Avenue, Moorestown, NJ 08057, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**St. John Neumann Place, LP**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of Suzanne O'Grady Laurito, St. Jon Neumann Place, LP, 1941 Christian Street, Philadelphia, PA 19146 has submitted a Final Report concerning remediation of site soil contaminated with PAH's. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Clemens Cleaners @ Hillcrest Shop Center**, Lansdale Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18074, Darryl Borrelli, Manko, Gold

Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19001, James Wrigley, HC Spectrum Partners, LP, 1690 Summneytown Pike, Suite 190, Lansdale, PA 19446, Randy Clemens, Clemens Cleaners, 811 West 5th Street, Lansdale, PA 19446 on behalf of Richard Harris, S & R Hillcrest owners, LP, 950 Troxel Road, Lansdale, PA 19446, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Chester Soccer Stadium Area**, Chester City, **Delaware County**. Steve Johnson, Weston Solutions, Inc. 1400 Weston Way, West Chester, PA 19380, Dan Moran, TN Ward Company, 129 Coulter Avenue, Ardmore, PA 19003, on behalf of Michael Hare, FC Pennsylvanian Stadium, LLC, 322 A Street, Suite 300, Wilmington, DE 19801-5356 has submitted a Cleanup Plan/Risk Assessment Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Former Getty Service Station 67628**, Hanover Borough, **York County**. Tyree Environmental Corporation, 2702 Cindel Drive, Suite 7, Cinnaminson, NJ 08077, on behalf of Getty Realty Group, 125 Jericho Turnpike, Suite 103, Jericho, NY 11753, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

**USPS 30th Street VMF**, City of Philadelphia, **Philadelphia County**. Glenn Randall, URS Corporation, 335 Corporation Drive, Fort Washington, PA 19034 on behalf of Cheryl Drach, US Postal Service, 22 West Maple Avenue, 2nd Floor, Merchantville, NJ 08109 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 15, 2009.

**Natural Lands Trust Property Crowns Nest Preserve**, Warwick Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18973 on behalf of Bob Johnson, Natural Lands Trust, 1031 Plamers Mill Road, Media, PA 19063 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 8, 2009.

**Linfield Industrial Park**, Limerick Township, **Montgomery County**. Jim LaRegina, Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Eugene Ostreicher, Linfield Industrial Park, 527 Bedford Avenue, Brooklyn, NY 11211 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum and unleaded gasoline. The Final Report did not demonstrate attainment of the Statewide Health Standard and was placed on hold by the Department of Environmental Protection on January 13, 2009.

**Ashland, Inc.**, Conshohocken Borough, **Montgomery County**. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of H. Morgan Smith, Colwell Properties, LLC, 210 East Street, Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated

attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 30, 2008.

**Gamesa Wind PA, LLC**, Falls Township, **Bucks County**. Chris Hawk, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Darius Rogers, Gamesa Wind US, 400 Gamesa Drive, Fairless Hill, PA 19030 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide Health Standard and was placed on hold by the Department of Environmental Protection on January 31, 2009.

**United Shredding Property**, City of Philadelphia, **Philadelphia County**. Ronald Nissenbaum, 5102 Woodland Avenue Associates, LP, 5744 Woodland Avenue, Philadelphia, PA 19143 on behalf of Gilbert Marshall, Marshall Geosciences, Inc., 170 East First Avenue, Collegeville, PA 19426 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 8, 2009.

**Barclay Road**, New Britain Township, **Bucks County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., Sky Run II, 4050 Skyron Drive, Suite A-1, Doylestown, PA 18902 on behalf of Clay Heckler, Select Properties, 2312 North Broad Street, Colmar, PA 18915 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 14, 2009.

**Reba Brown Residence**, City of Philadelphia, **Philadelphia County**. Eric Poulson, Poulson & Associates, LLC, 5 Camby Chase, Media, PA 19063 has submitted a Final Report concerning the remediation of site soil contaminated with PAH's. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 13, 2008.

**South Philadelphia Shopping Center**, Philadelphia, **Philadelphia County**. Michael Christie, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of William Frutkin, SPSP Corporation, 44 West Lancaster Avenue, Ardmore, PA 19003 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was placed on hold by the Department of Environmental Protection on November 7, 2008.

**410 Monastery Avenue**, City of Philadelphia, **Philadelphia County**. Brenda MacPhail, REPSG, 6901 Kingessing Avenue, Philadelphia, PA 19142 on behalf of Laura Boylan, 410 Monastery Avenue, Philadelphia, PA 19128 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard.

**Pete's Car Wash**, East Norriton Township, **Montgomery County**. Richard Werner, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Peter Altringer, Stonycreek Part-



ners, LP, 500 West Lancaster Avenue, Strafford, PA 19087 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 5, 2009.

**Logan Square**, Norristown Borough, **Montgomery County**. Jason Free, PT Consultant, Inc., 629 Creek Road, Bellmawr, NJ 08031 on behalf of Charles Gallub, Johnson & Marklery Redevelopment, LP, 204 Harding Road, Bellmawr, NJ 08031 has submitted a Final Report concerning the remediation of site soil contaminated with No. 4 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 21, 2009.

**Union Center Condominiums**, West Chester Borough, **Chester County**. Richard Ley, RML Environmental, 1375 Steeple Chase Road, Downingtown, PA 19335 on behalf of Edward Cunius, Union Court Condominiums, 616 East Barnard Street, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on February 5, 2009.

**BMW of the Main Line**, Lower Merion Township, **Montgomery County**. Samuel Kucia, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Elizabeth Kirsch, Kirsch Enterprises, Inc. and Estate of C.H. Kirsch, c/o Richard E. Javage, Jr. Esq., 35550 Township Line Road, Drexel Hill, PA 19026 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvent. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 28, 2009.

**2781 East Lincoln Highway**, Middletown Township, **Bucks County**. Steven Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 on behalf of Roman Iwaskiw, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics. The Remedial Investigation Report was approved by the Department of Environmental Protection on February 12, 2009.

**Grundy Powerhouse Site**, Bristol Borough, **Bucks County**. Michael Christie, Penn E & R, 2755 Bergey Road, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with lead, heavy metals, BTEX, polycyclic aromatic hydrocarbons and solvents. The Final Report demonstrated attainment of the Special Industrial Area and was approved by the Department of Environmental Protection on January 21, 2009.

**Segich Property**, Borough of Parkside, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073 on behalf of Ann Segich, 20 West Chelton Road, Brookhaven, PA 19015 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 5, 2009.

**Richboro Center**, Northampton Township, **Bucks County**. Andrew Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Steve Lees, R. Norman Turner Estate Trust, 34 South State Street, Newtown, PA 18940, Richard Shore, Richboro-Gelt Partners, LLC, 2755 Philmont Avenue, Suite 130, Huntingdon Valley, PA 19006 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with No. 4 fuel oil. The 90-day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 11, 2009.

**7401 State Road Site**, City of Philadelphia, **Philadelphia County**. Michael Christy, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of William Nolan, State Road Storage, LP, 4541 Bellaire Drive, South Suite 100, Fort Worth, TX 76109 has submitted a Final Report concerning the remediation of site groundwater contaminated with PAH's and chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and Site-Specific Standard and was approved by the Department of Environmental Protection on February 4, 2009.

**The Hake Building**, Eddystone Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Frank Hake, Hake Headquarters, LP, 1380 Wisteria Drive, Malvern, PA 19355 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation/Risk Assessment and Cleanup Plan were approved by the Department of Environmental Protection on February 10, 2009.

**Kovalchick Salvage Company**, Solebury Township, **Bucks County**. Bruce Fishman, RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 on behalf of Mark Himmerger, Shell Lubricants, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Risk Assessment/Remedial Investigation Report and Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Risk Assessment/Remedial Investigation Report and Final Report was disapproved by the Department of Environmental Protection on January 30.

**Former PA School of Muscle Therapy**, Upper Providence Township, **Montgomery County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of John Myers, 1598 Horseshoe Trail, Valley Forge, PA 19481, Alice Allan, Allan Properties, LLC, 190 Murphy Drive, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 16, 2009.

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

**Bethlehem Commerce Center—Corporate Campus Drive and Harvard Avenue Extension**, 530 East Third Street, Bethlehem City, **Northampton County**. Jacqueline F. Beck, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Cleanup Plan (on behalf of her client, Lehigh Valley

Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soils found to have been impacted by heavy metals as a result of historical manufacturing operations at the site. The report met the requirements of the Site-Specific Standard and was approved by Central Office on February 18, 2009.

**Sunrise Terrace Mobile Home Park—Lot 54 Property**, Route 191, Honesdale Borough, **Wayne County**. Dean Cruciani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of their client, Ronald Gardas, 329 Laurel Drive, Honesdale, PA 18431), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental release from a nonregulated aboveground storage tank. The report documented attainment of the Statewide Health Standard and was approved on February 19, 2009.

#### MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGM032. Blue Ridge Renewable Energy, LLC**, 1300 North 17th Street, Suite 1600, Arlington, VA 22209.

The applicant has requested that the application for a general permit for the processing and beneficial use of landfill gas, generated at the Blue Ridge Landfill located in Franklin County, as an alternate fuel for the power generators installed at this landfill be withdrawn. The withdrawal of the application was effective February 23, 2009.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual 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.**

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

**General Permit Registration Number WMGR097R010. Royal Green, LLC**, Huller Lane, Temple, PA 19560. Registration to operate under General Permit Number WMGR097R010 for research and development activities. The registration was issued by Central Office on February 18, 2009.

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

users should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

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

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

**GP1-44-03009: Mifflin County School District** (103 Green Avenue, Lewistown, PA 17044-2320) on February 17, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Derry Township, **Mifflin County**. This is renewal of the GP1 permit.

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

**GP5-08-03A: Chesapeake Appalachia, LLC** (P. O. Box 6070, Charleston, WV 25362) on February 18, 2009, to increase the natural gas throughput in the existing glycol dehydrator from 5 million standard cubic feet per day to 17 million standard cubic feet per day under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Granville Station in Granville Township, **Bradford County**.

**GP1-47-00005: Geisinger Medical Center** (100 North Academy Avenue, Danville, PA 17822-1540) on February 20, 2009, to operate a natural gas-fired boiler under the General Plan Approval and/or General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in Mahoning Township, **Montour County**.

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

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

**09-0206: Samax Enterprises, Inc.** (1001 New Ford Mill Road, Morrisville, PA 19067) on February 18, 2009, to install a paint remover manufacturing process at a new facility in Falls Township, **Bucks County**. The facility shall be limited to 11.90 tpy of total HAPs emissions. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

**23-0016A: PQ Corp.** (1201 West Front Street, Chester, PA 19013) on February 18, 2009, to install a replacement low-NOx burners and a batch wetting system on PQ Corporation's No. 4 Sodium Silicate Furnace, at their facility in the City of Chester, **Delaware County**. This facility is a Title V facility. Annual emissions of NOx from the furnace will remain at 8.0 lbs/ton of product produced

and 275 tpy. PM emissions shall be limited to 0.04 gr/dscf. There shall be no increase in emissions of any pollutant from the No. 4 Sodium Silicate Furnace as a result of the installation of the replacement low-NOx burners and the batch wetting system. The Plan Approval will contain monitoring and recordkeeping requirements designed to keep the furnace operating within the allowable emissions and all applicable air quality requirements.

**15-0130: Aqua Pennsylvania, Inc.** (762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489) on February 20, 2009, for: (a) modification of five 2,000 kW diesel fuel fired emergency generators to be equipped with NOx reduction control system; and (b) installation of 350 kW and 150 kW diesel fuel-fired emergency generators and one unit of 10.46 mmBtu/hr natural gas-fired boiler at their Picking Water Treatment Plants in Schuylkill Township, **Chester County**. The operation of these air emission sources may result in the emissions less than 24.9 tpy of NOx and 5 tpy of CO. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the sources operating within all applicable air quality requirements.

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

**24-0830: Carbone of America** (215 Stackpole Street, Saint Marys, PA 15857) on February 10, 2009, to install a new car bottom kiln and thermal oxidizer and a new scrubber at their facility in the City of Saint Marys, **Elk County**. This is a Title V facility.

**25-025N: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Room 9-201, Erie, PA 16531) on February 2, 2009, to replace the existing VPI system (Source 178) and expansion of the source by adding another VPI tank and six ovens in Lawrence Park Township, **Erie County**. This is a Title V facility.

---

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

---

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

**15-0094A: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19381-0598) on February 10, 2009, to operate a new efficiency fiber bed filter in West Goshen Township, **Chester County**.

**15-0094B: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19381-0598) on February 10, 2009, to operate a foundry side electric furnace in West Goshen Township, **Chester County**.

**46-0037X: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 18, 2009, to operate a powder packaging unit in Douglass Township, **Montgomery County**.

**23-0012: Epsilon Product Co., LLC** (750 West 10th Street, Marcus Hook, PA 19061) on February 18, 2009, to operate plant 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**46-0025C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on February 18, 2009, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

**23-0014F: Kimberly-Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19103) on February 9, 2009, to operate a ventilation system in City of Chester, **Delaware County**.

**46-0037Q: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 18, 2009, to operate a wet dust collector in Douglass Township, **Montgomery County**.

**46-0037V: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 18, 2009, to operate a gemco dryer Building 19 in Douglass Township, **Montgomery County**.

**46-0031C: SmithKline Beecham Pharmaceuticals—d/b/a GlaxoSmithKline Pharmaceuticals** (1250 South Collegeville Road, Collegeville, PA 19426) on February 20, 2009, to operate two new scrubbers in Upper Providence Township, **Montgomery County**.

**46-0180: Transicoil, LLC** (9 Iron Bridge Drive, Collegeville, PA 19426) on January 19, 2009, to operate three solvert vapor degreasers in Perkiomen Township, **Montgomery County**.

**46-0180A: Transicoil, LLC** (9 Iron Bridge Drive, Collegeville, PA 19426) on January 19, 2009, to operate a methanol glass cleaning in Perkiomen Township, **Montgomery County**.

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

**67-05005E: PPL Generation, LLC** (Two North Ninth Street, Allentown, PA 18101-1179) on February 7, 2009, to construct a limestone and gypsum handling operation at their Brunner Island Steam Electric Station in East Manchester Township, **York County**. This plan approval was extended.

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

**47-00001B: PPL Montour, LLC** (P. O. Box 128, Washingtonville, PA 17884-0128) on February 20, 2009, to extend the authorization to temporarily operate a flue gas desulphurization systems on the two electric generating units (source IDs 031 and 032) an additional 180 days from March 9, 2009, to September 5, 2009, in Derry Township, **Montour County**.

**47-00001C: PPL Montour, LLC** (P. O. Box 128, Washingtonville, PA 17884-0128) on February 20, 2009, to extend the authorization to temporarily operate the limestone and gypsum handling sources an additional 180 days from February 14, 2009, to August 13, 2009, in Derry Township, **Montour County**.

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

**24-083M: Carbone of America** (215 Stackpole Street, City of Saint Marys, PA 15857) on February 10, 2009, to install an electric furnace with a thermal oxidizer control device at the facility site in the City of Saint Marys, **Elk County**. This is a Title V facility.

---

**Title V Operating Permits Issued 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, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**28-05011: Waste Management Disposal Services of PA, Inc.** (9446 Letzburg Road, Greencastle, PA 17225-9317) on February 11, 2009, to install a second enclosed ground flare in **Franklin County**. This Title V operating Permit has been administratively amended to incorporate plan approval 28-05011A. This is Revision No. 2.

**38-05011: Plain n' Fancy Kitchens, Inc.** (P. O. Box 519, Oak Street and Route 501, Schaefferstown, PA 17088) on February 17, 2009, to construct a CEFLA spray coating system controlled by water curtain and modifications to existing woodworking coating booths in Heidelberg Township, **Lebanon County**. This Title V operating permit was administratively amended to incorporate plan approval 38-05011. This is Revision No. 1.

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

**33-00033: Owens-Brockway Glass Container, Inc.—Brockway Plant No. 18** (1260 Cherry Street, Brockway, PA 15834-1630) on February 18, 2009, to re-issue a Title V Permit to operate a Glass Container manufacturing facility in Brockway Borough, **Jefferson County**. The facility's major emission sources include raw material handling and eight silos, glass melting furnace B, cullet handling and storage, batch gathering and mixing, refiner, two Forehearths, two Lehrs, miscellaneous combustion sources, two container forming machines, hot end surface treatment, road fugitives, 100 kW emergency generator and two degreaser units, ACL Decorating Lehr A1, ACL decorating Lehr A2, ACL Decorating Lehr A3, blasting operation, 75 kW emergency generator, 5 kW emergency generator, citrus degreaser unit and fire pump. The facility is a major facility due to its potential to emit of NOx and SOx. The facility is not subject to CAM rule because the precontrolled emission is less than Title V threshold limits. The facility is also subject to 40 CFR Part 63, Subpart SSSSSS.

---

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

---

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

**15-00112: PPD Vaccines & Biologics, LLC** (466 Devon Park Drive, Wayne, PA 19087) on February 18, 2009, to operate their research facility in Tredyffrin Township, **Chester County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include two natural gas-fired boilers and two diesel-fired emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00026: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) on February 18, 2009, to operate a packaging printing plant in Upper Providence Township, **Montgomery County**. This is a renewal of the State-only operating permit issued in February of 2004.

**15-00121: Delaware Valley Custom Marble, Inc.—Glenmar Manufacturing** (4 Briar Drive, West Grove, PA 19390) on February 19, 2009, to operate the cast polymer manufacturing facility in Penn Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility elects to cap VOC and HAP emissions less than major thresholds; therefore the facility is categorized as a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00142: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041) on February 20, 2009, for a State-only, Natural Minor Operating Permit Renewal in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending and drying services of various mineral products. The pollutant of concern is PM. Dust collectors are used on all sources for PM control. The permit will include monitoring, recordkeeping and reporting requirements designed to address 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) on February 20, 2009, to issue a State-only (Synthetic Minor) Operating Permit for operation of a batch asphalt plant and crushing operation and associated air cleaning devices at their facility in Plains Township, **Luzerne County**.

**40-00099: Reading Materials, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 18, 2009, to issue a State-only (Synthetic Minor) Operating Permit for operation of a batch asphalt plant and associated air cleaning devices at their facility in Lehman Township, **Luzerne County**.

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

**06-03066: Kief Industries, Inc.—d/b/a Excelsior Brass Works, Inc.** (331 June Avenue, Blandon, PA 19510-9550) on February 9, 2009, to operate metal castings in Maiden Creek Township, **Berks County**.

**36-05118: R.R. Donnelley & Sons Co.** (P. O. Box 3780, 391 Steel Way, Lancaster, PA 17601-3153) on February 17, 2009, to operate their printing facility in the City of Lancaster, **Lancaster County**. This is a renewal of the State-only operating permit.

**38-03014: Pennsy Supply, Inc.** (1 Clear Spring Road, Annville, PA 17003) on February 10, 2009, to operate a limestone crushing plant in North Londonderry Township, **Lebanon County**.

---

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

---

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

**46-00240: JBS Souderton, Inc.** (249 Allentown Road, Souderton, PA 18964) on February 13, 2009, for modification of emission limitations contained in the previously issued plan approval No. 46-0240 for a 29.9 mmBtu/hr Boiler fired by natural gas, No. 2 fuel oil and animal fat/vegetable oil. Plan approval No. 46-0240A supersedes the previously issued plan approval No. 46-0240 in Franconia Township, **Montgomery County**. The facility's major emission points include numerous boilers and heaters at their beef plant. Administrative Amendment of State-only Operating Permit (SOOP) issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval No. 46-0240A. The facility is currently operating under the SOOP No. 46-00240. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**15-00027: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) on February 18, 2009, for a minor modification of TVOP No. 15-00027 for their facility in Tredyffrin Township, **Chester County**. The minor modification changes the operating pH range of the acid gas scrubber control device (Source C012A) to better control bacteria and fungi growth in the scrubber. The modified TVOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 15-00027 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

**23-00014: Kimberly-Clark of Pennsylvania, LLC** (Front and Avenue of the States, Chester, PA 19013) on February 18, 2009, a Title V facility in the City of Chester, **Delaware County**. The Title V Operating Permit was revised to incorporate conditions for Compliance Assurance Monitoring under Paper Machine No. 12 (Source ID No. 124) in accordance with 40 CFR Part 64. The Title V Permit includes enhanced monitoring, recordkeeping, reporting and work practice standard requirements to assure compliance with applicable PM emission limits on the source through monitoring the liquid flow rate and the pressure drop across the scrubber associated with this source. The changes made to the permit do not increase emissions from the source or the facility. All revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450 and comments will only be taken on the changes covered in this notice.

**09-00086: Neshaminy School District** (2001 Old Lincoln Highway, Langhorne, PA 19047-3240) on February 18, 2009, to operate boilers and emergency generators at a high school in Middletown Township, **Bucks County**.

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

**36-03052: Boose Aluminum Foundry Co., Inc.** (77 North Reamstown Road, P. O. Box 261, Reamstown, PA 17567-0261) on February 13, 2009, to operate their aluminum foundry in East Cocalico Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate plan approval 36-03052B. This is Revision No. 2.

**36-05127: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on January 29, 2009, to operate their Burkholder Asphalt Plant in Earl Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate plan approval 36-05127B. This is Revision No. 1.

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

**10-00309: MultiServ Harsco Corp.** (210 Pittsburgh Road, Butler, PA 16003) on February 18, 2009, for an administrative amendment of Natural Minor Permit to incorporate the conditions of plan approval No. 10-309D for Ferro cut torch source with baghouse in Butler Township, **Butler County**. The facility is operating a slag processing plant. Through this administrative amendment the Department of Environmental Protection included all the conditions of plan approval No. 10-030D.

---

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

---

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

**04-00059: IPSCO Koppel Tubulars Corp.** (P. O. Box 750, Beaver Falls, PA 15010-0750) for enlargement of main Melt Shop 4 canopy hood on or about October 15, 2008, at the Koppel plant located in Koppel Borough, **Beaver County**. No increase in emissions is expected. This is a Title V facility.

**04-00227: IPSCO Koppel Tubulars Corp.** (P. O. Box 750, Beaver Falls, PA 15010-0750) for replacement of five burners on the existing rotary hearth furnace on or about October 15, 2008, at the Ambridge plant located in Koppel Borough, **Beaver County**. Replacement burners are of the same rating and manufacturer as the originals and no increase in emissions is expected. This is a Title V facility.

**04-00471: Marathon Ashland Petroleum, LLC** (10439 Brecksville Road, Brecksville, OH 44141-3395) for their Midland Terminal in Industry Borough, **Beaver County**, a de minimis annual emission increase of 0.00008 ton VOCs resulting from the installation of a new trans-mix loading arm, on or about November 7, 2008. This is a Title V facility.

**63-00027: Jessop Steel Co.** (100 River Road, Brackenridge, PA 15014-1597) for their Washington Specialty Plate Facility in Washington City, **Washington County**, a de minimis emission increase of 0.5 ton of PM10 per year resulting from the installation of a new rotary brush plate cleaning system with associated dust collector, on or about December 1, 2008. This is a Title V facility.

**63-00886: All-Clad Metalcrafters, LLC**, (424 Morganza Road, Canonsburg, PA 15317-5716) for their Canonsburg plant, in Canonsburg Borough, **Washington County**, a de minimis potential annual emission increase of 0.5 ton of PM resulting from the installation of a new blank deburrer with associated cyclone collector, on or about November 7, 2008. This is a non-Title V (State-only) facility.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**54773223T3. Penn Equipment Corp.,** (15 Main Street, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream: none. Application received November 12, 2008. Transfer issued February 17, 2009.

**22031301R. Ladnar, Inc.,** (1165 Trail Road, Hummelstown, PA 17035), renewal of an existing anthracite underground mine operation in Williams Township, **Dauphin County** affecting 3.0 acres, receiving stream: none. Application received September 29, 2008. Renewal issued February 20, 2009.

### Noncoal Permits Actions

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

**58080852. Bluerock Natural Resources, LLC,** (R. R. 7, Box 7022, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 5, 2008. Permit issued February 17, 2009.

**58010301T2 and NPDES Permit No. PA0224171. Powers Stone, Inc.,** (R. R. 5, Box 124, Montrose, PA 18801), transfer of an existing quarry and renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Bridgewater Township, **Susquehanna County** affecting 41.96 acres, receiving stream: UNT to South Branch Creek. Application received March 17, 2008. Transfer and Renewal issued February 18, 2009.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

### Blasting Permits Actions

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

**28094101. David H. Martin Excavating, Inc.,** 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for utility development in Metal Township, **Franklin County**. Blasting activity permit end date is February 3, 2010. Permit issued February 4, 2009.

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

**17094002. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830), blasting on the Siebenrock GFCC No. 17-07-13 located in Lawrence Township, **Clearfield County**. Permit issued February 18, 2009. Permit expires October 31, 2010.

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

**15094103. Newville Construction Services, Inc.,** (408 Mohawk Road, Newville, PA 17241), construction blasting for Turnpike Bridge EB739 demolition in Tredyfrin Township, **Chester County** with an expiration date of February 2, 2010. Permit issued February 18, 2009.

**35094103. Austin Powder Northeast, LLC,** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Marywood University Lacrosse Field in Dunmore Borough, **Lackawanna County** with an expiration date of February 13, 2010. Permit issued February 18, 2009.

**40094104. Austin Powder Northeast, LLC,** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Centerpoint East in Pittston and Jenkins Townships, **Luzerne County** with an expiration date of February 10, 2010.

**58094003. Brainard Explosives,** (R. R. 1, Box 275, Kingsley, PA 18826), construction blasting for the Kipar Borrow Pit in Auburn Township, **Susquehanna County** with an expiration date of February 17, 2010. Permit issued February 19, 2009.

**58094004. Brainard Explosives,** (R. R. 1, Box 275, Kingsley, PA 18826), construction blasting for the Epsilon/Kipar Tap Site in Auburn Township, **Susquehanna County** with an expiration date of February 17, 2010. Permit issued February 19, 2009.

**58094005. Brainard Explosives,** (3978 SR 2073, Kingsley, PA 18826), construction blasting at the Cron Compressor Site in Auburn Township, **Susquehanna County** with an expiration date of March 31, 2009. Permit issued: February 20, 2009.

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

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

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

---

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

---

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

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-792. Department of Transportation, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406.** Warwick Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing dilapidated Harmonyville Road Bridge crossing and to construct and maintain, in its place, an approximately 56-foot-long, 24.5-foot-wide and average 4.7-foot-high single span prestressed concrete arch bridge across French Creek (EV).

The site is located approximately 1,500 feet west of the intersection of Harmonyville Road (SR 4018) and Pine Swamp Road (SR 0345) in Warwick Township, Chester County (Elverson, PA USGS Quadrangle N: 11.0 inches; W: 1.0 inch).

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

**E23-467. Nolen Investments, LLC, 950 West Valley Forge Road, King of Prussia, PA 19406, Aston Township, Delaware County**, United States Army Corps of Engineers, Philadelphia District.

To maintain a stream enclosure carrying Baldwin Run (WWF) across Springbrook Boulevard consisting of 115 linear feet of 19-foot wide by 3.5-foot high reinforced concrete box culvert. The road crossing services the Baldwin Run Business Park and the proposed Courts of Springbrook Residential Subdivision, which is currently being considered under the Department of Environmental Protection Permit No. E23-456. The project also involved the filling of wetlands (PEM), the total amount has been determined and transfer to Permit No. E23-456 within the wetland mitigation structure.

The project is located just west of the intersection of Route 452 (Pennell Road) and Springbrook Boulevard (Marcus Hook, USGS Quadrangle North: 19.1 inches; W: 7.8 inches).

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

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

**E18-438. Christian R. Haffley, 110 Woodward Avenue, Lock Haven, PA 17745 and Janell L. Myers, 416 West Water Street, Lock Haven, PA 17745.** Water Obstruction and Encroachment Joint Permit, in Woodward Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Lock Haven, PA Quadrangle N: 41° 08' 55.50"; W: 77° 27' 41.16").

To construct and maintain a pavilion for improved safety and recreation in the floodway of the West Branch of the Susquehanna River. The pavilion will have a width of 20-feet, a length of 30-feet and a height of approximately 10-feet. The pavilion will be constructed of lumber with an asphalt shingle roof. All sides of the pavilion are open. Eight 6-inch by 6-inch pressure treated posts will support the truss roof. The posts will be anchored in the ground below the frost line. A 20-foot by 30-foot concrete slab, at grade, will be constructed for the pavilion. No fill will be placed in the floodway. This project is located along the West Branch of the Susquehanna River, 3,600-feet west of the intersection of T-359, West River Road and SR 1001, Farrandsville Road (Lock Haven, PA Quadrangle N: 41° 08' 55.50"; W: 77° 27' 41.16") in Woodward Township, Clinton County. This project proposes to have a minimal impact on the West Branch of the Susquehanna River, which is designated a WWF and does not propose to impact any jurisdictional wetlands. This permit was issued under 25 Pa. Code § 105.13(e) "Small Projects."

**E18-439. David C. Miller, 644 Dry Run Road, Beech Creek, PA 16822-8024.** Water Obstruction and Encroachment Joint Permit, in Woodward Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Lock Haven, PA Quadrangle N: 41° 08' 53.38"; W: 77° 27' 37.77").

To construct and maintain a pavilion for shelter and recreation in the floodway of the West Branch of the Susquehanna River. The pavilion will have a width of 20-feet, a length of 30-feet and a height of approximately 15-feet. The pavilion will be constructed of lumber with an asphalt shingle roof. All sides of the pavilion are open. The pavilion will sit on an existing concrete slab. Six 6-inch by 6-inch pressure treated posts will support the truss roof. The posts will be anchored in the ground below the frost line. No fill will be placed in the floodway. This project is located along the West Branch of the Susquehanna River, 3,200-feet west of the intersection of



T-359, West River Road and SR 1001, Farrandville Road (Lock Haven, PA Quadrangle N: 41° 08' 51.4"; W: 77° 26' 36.0") in Woodward Township, Clinton County. This project proposes to have a minimal impact on the West Branch of the Susquehanna River, which is designated a WWF, and does not propose to impact any jurisdictional wetlands. This permit was issued under 25 Pa. Code § 105.13(e) "Small Projects."

**E41-594. Choice Fuels Corporation**, 2344 Sylvan Dell Road, South Williamsport, PA 17702. Water Obstruction and Encroachment Joint Permit, in Armstrong Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 14' 10.25"; W: 76° 57' 07.20").

To construct and maintain a railroad siding into an existing storage tank facility for distribution of fuels. The location of the siding is completely within the floodway of the West Branch of the Susquehanna River. Disturbance will be limited to the new railroad spur. There is a depressed area inside the tank containment area to offset the increase in volume of the floodway. The depression also accounts for tank containment area lost due to the railroad spur cutting off the southeast corner. The containment area and berm will be paved with a superpave asphalt mixture. The railroad siding will have a width of 40-feet and a length of 700-feet. The project is located along SR 2012, Sylvan Dell Road and the West Branch of the Susquehanna River, 900-feet northwest of the intersection of SR 2012, Sylvan Dell Road and T-433, Sylvan Dell Park Road (Montoursville South, PA Quadrangle N: 41° 14' 10.25"; W: 76° 57' 07.20") in Armstrong Township, Lycoming County. This project proposes to have a minimal impact on the West Branch of the Susquehanna River, which is designated a WWF and does not propose to impact any jurisdictional wetlands. This permit was issued under 25 Pa. Code § 105.13(e) "Small Projects."

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

**E02-1581. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain culverts in Marshall, Pine, Richland and Hampton Townships, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Beginning from Mars, PA Quadrangle North 5 inches; West 8.5 inches, Latitude 40° 39' 08"; Longitude 80° 03' 18" and ending Glenshaw, PA Quadrangle North 20.5 inches; West 13.0 inches, Latitude: 40° 37' 39"; Longitude: 79° 59' 06"). To construct and maintain:

1. A 117 ft long extension to an existing 290 ft long, 24 ft span, 13 ft rise, open bottom, concrete arch culvert and fill and maintain 0.49 acre of adjacent PEM/PSS wetland in North Fork Pine Creek (Chapter 93 CWF) with a drainage area of 2.43 square miles at Turnpike Mile Post (MP) 33.52;

2. A 60 ft long extension to a 325 ft long, 10 ft span 8 ft rise open bottom, concrete arch culvert extension in UNT to North Fork Pine Creek (CWF) with a drainage area of 230 acres at MP 34.25;

3. A 49 ft extension to a 249 ft long 72 inch diameter CMP in a UNT to Montour Run (TSF) with a drainage area of 121 acres at MP 35.15

4. Two parallel, 48 inch diameter CPP replacement of a single 36 inch diameter CPP downstream of feature 3 and under an intersecting township road 574, with a drainage area of 272 acres;

5. A 58 ft long extension to an existing 117 ft long 16 ft span, 14 ft rise open bottom concrete arch culvert and a 712 ft long stream relocation in Montour Run (TSF) with a drainage area of square miles at MP 35.34;

6. A 71 ft long extension to a 118 ft long 16 ft span, 12 ft rise open bottom concrete culvert in a UNT to Montour Run (TSF) with a drainage area of 1.18 square miles at MP 36.03;

7. A 48 ft long extension to a 152 ft long 72 inch diameter RCP in a UNT to Montour Run with a drainage area of 102 acres at MP 36.4;

8. A 4 ft long cap on the open section of a 286.3 ft long 10 ft by 6.5 ft rise concrete box culvert in a UNT to Brush Creek (WWF) with a drainage area of 0.45 square miles at MP 31.9.

9. Approximately 1,700 ft of culverted length and 2,500 ft of stream relocation in UNTs to Brush Creek (WWF), North Fork Pine Creek (CWF), Montour Run, Willow Run (TSF) with drainage areas less than 100 acres and associated stormwater outfalls.

In addition a total of 1.52 acres of PEM/PSS wetland will be filled and maintained. Wetland and stream mitigation is proposed at Allegheny County's North Park located in Pine Township, and within the North Branch Pine Creek watershed. This project is associated with the larger, phased Turnpike Commission I-76 reconstruction and improvement work with these encroachments starting at Warrendale in Marshall Township and extending southeast thru Pine Township and into Richland Township for a total of 7 road miles in Allegheny County.

**E02-1598. Springdale Borough**, P. O. Box 153, Springdale, PA 15144. To construct an outfall in Springdale Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District. (New Kensington West, PA Quadrangle N: 7.5 inches; W: 2.9 inches, Latitude: 40° 32' 29"; Longitude: 79° 46' 15"). To construct and maintain a 42-inch diameter outfall structure on the right bank of Riddle Run (WWF) and to place and maintain rip rap streambank protection along the left and right banks of said stream for a distance of approximately 30.0 feet for the purpose of discharging stormwater from Butler Road and other roads into Riddle Run. The project is located approximately 800.0 feet north from the confluence of Riddle Run and the Allegheny River.

#### DAM SAFETY

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

**D08-087. Keith Bonin** (R. R. 1, Rome, PA 18837). To modify, operate and maintain the existing Lake Bonin Dam, located across a Tributary to Jerome Creek (Rome, PA Quadrangle N: 22.6 inches; W: 13.9 inches) in Orwell Township, **Bradford County**. The existing dam, which is approximately 30 feet high and 525 feet long, was constructed circa 1972 for recreational purposes. Based on the Department of Environmental Protection's review of the existing dam, a minor modification was required on the auxiliary spillway. This modification consists of the construction of a concrete wall that will direct spillway flow away from the embankment fill to the design spillway location on the right abutment.



**D17-121. Grampian Borough, Penn Street**, P. O. Box 298, Grampian, PA 16838. Description: To operate and maintain Grampian Community Park Dam across a Tributary to Kratzer Run (CWF), impacting 100 feet of stream for the purpose of temporary impoundment of the stream during the annual "Grampian Days" event in Curwensville, PA (Quadrangle N: 16.9 inches; W: 0.95 inch) in Grampian Borough, **Clearfield County**.

**D38-012. Lake Conewago Dam, Eastern Enterprises, Inc. c/o Gene P. Otto, III**, P. O. Box 100, Mt. Gretna, PA 17064. Rehabilitation of this dam was recently completed in accordance with the corrective actions required in the June 18, 2003, Consent Order and Agreement (COA) between Eastern Enterprises, Inc. and the Department of Environmental Protection. The rehabilitation project did not impact waters of the Commonwealth or wetlands and an Environmental Assessment was not required. Under Section 3.N. of the COA, a permit has been issued for the dams' continued operation and maintenance. The Lake Conewago Dam is located across the Conewago Creek (Manheim, PA Quadrangle N: 21.6 inches; W: 14.4 inches) in South Londonderry Township, **Lebanon County**.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control (ESCP) Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act

(35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 AT&T 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 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 (717) 787-3483 for more information.

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

ESCP 1708801 T.W. Phillips Clearfield  
502 Keystone Drive County  
Warrendale, PA 15086

Boggs, Bradford and Crooked Sewer Run  
Lawrence Townships CWF  
Roaring Run  
CWF  
Long Run  
CWF  
Clearfield Creek  
WWF  
West Branch  
Susquehanna River  
WWF

ESCP 4109801 Ted Wurfel Lycoming  
Chief Gathering, LLC County  
700 Fairfield Road  
Montoursville, PA 17754

Penn Township Sugar Run  
CWF  
Big Run  
HQ-CWF  
Little Muncy Creek  
CWF

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

**SPECIAL NOTICES**

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

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

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

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL). To

request a copy of this TMDL, contact: Joe Boylan at joboylan@state.pa.us, or by mail at 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments when developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the previous address and must be received by April 18, 2009. A public meeting to discuss the technical merits of the TMDL will be held on Wednesday, March 18, 2008, at 6:30 p.m. in the Audion at the Derry Area High School (81 Derry Road, Derry, PA 15627).

#### Public Hearing Invitation

**Public Hearing for NPDES Permit No. PAI023909008; Proposed Kelly A. and Matthew S. Stubits Commercial Land Development, in Heidelberg Township, Lehigh County**

On January 28, 2009, the Department of Environmental Protection (Department) received an administratively complete NPDES Permit application package for the proposed Kelly A. and Matthew S. Stubits Land Development Plan, for the construction of a Children's Daycare Center, in Heidelberg Township, Lehigh County.

The Department will hold a public hearing to accept comment on the documentation and plans associated with the Individual NPDES Permit Application No. PAI023909008, for the discharge of stormwater to a UNT to Jordan Creek (HQ-CWF, MF, HQ-CWF, MF) from construction activities. The public hearing will be held at the Heidelberg Township Municipal Building located at 6272 Route 309, P. O. Box 218, New Tripoli, PA 18066. The public hearing will be held on April 8, 2009, at 7pm, by the Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Kelly A. and Matthew S. Stubits Commercial Land Development Hearing, Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI023909008 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

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

The NPDES permit application documentation and plans are available for review at the Lehigh County Conservation District Office, 4184 Dorney Park Road, Suite 102, Allentown, PA 18104-5728, (610) 391-9583, and/or the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

[Pa.B. Doc. No. 09-417. Filed for public inspection March 6, 2009, 9:00 a.m.]

#### Bid Opportunity

**C53:02-102.1, Coudersport sediment removal project, Coudersport Borough, Potter County.** The principal items of work include mobilization and demobilization, erosion and sediment control, rock fill, geogrid and class 4 geotextile, PennDOT 2a course aggregate surface, sediment and gravel removal and seeding/restoration. This project issues on March 6, 2009, and bids will be opened on March 31, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. 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. 09-418. Filed for public inspection March 6, 2009, 9:00 a.m.]

#### Bid Opportunity

**C40:29-101.1, Concrete repairs on Mill Creek Flood Control Project, Borough of Avoca, Luzerne County.** The principal items of work include 7,320 square feet of repair wall top cracks and seal surface, 13 each of repair corner pop-outs at walls, 57 each of repair corner pop-outs at slabs, 420 square feet of repair map cracking in wall faces and 50 each of stencil station numbers on walls. This project issues on March 6, 2009, and bids will be opened on March 31, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. 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. 09-419. Filed for public inspection March 6, 2009, 9:00 a.m.]

#### Bid Opportunity

**D47-003-101.1, Dam removal and stream restoration project Phase I Mahoning Creek, Borough of Danville, Montour County.** The principal items of work include 2,800 cubic yards of common excavation, 1,300 cubic yards of compacted backfill, R-4 and R-7 riprap, 530 cubic yards of removal of concrete and masonry structures, 300 square yards of select material surfacing, 25 each guard posts, one each of rock vane and one each of drainage structure. This project issues on March 6, 2009, and bids will be opened on March 31, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. 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. 09-420. Filed for public inspection March 6, 2009, 9:00 a.m.]

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

The Board of Coal Mine Safety (Board) will meet in 2009 as follows. The meetings will begin at 10 a.m. and will be held at the Fayette County Health Center, 100 New Salem Road, Uniontown, PA. The meeting dates are as follows:

June 30, 2009  
September 9, 2009  
December 9, 2009

Questions concerning a meeting of the Board may be directed to Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, 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 Allison Gaida, at the telephone number or e-mail address provided previously.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-421. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Vessel General Permit Certification Letter

By letter dated December 12, 2008, the Department of Environmental Protection provided a written response to the United State Environmental Protection Agency (EPA) regarding certification under section 401 of The Clean Water Act with respect to the draft EPA NPDES Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels. The response granted such certification subject to certain conditions.

Notice of the draft General Permit was published at 73 FR 34296 (June 17, 2008). A notice of the final General Permit was published at 73 FR 79473 (December 29, 2008). The General Permit, which became effective February 6, 2009, generally applies to discharges incidental to the normal operation of vessels that are greater than 79 feet in length into waters of the United States. Copies of the permit, accompanying Face Sheet and State 401 Certification Letter are available by contacting Christopher Whiteash, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8467, or may be procured electronically through the EPA web site or by sending an e-mail request to EPA at [commercialvesselpermit@pa.gov](mailto:commercialvesselpermit@pa.gov).

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-422. Filed for public inspection March 6, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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](mailto:paexcept@health.state.pa.us).

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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-423. Filed for public inspection March 6, 2009, 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):

The Children's Institute  
Excela Health Frick Hospital  
Excela Health Latrobe Hospital  
Excela Health Westmoreland Hospital

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](mailto: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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-424. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Application of Fairgrounds Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fairgrounds Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (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.

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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-425. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Application of Mercy Hospital Scranton for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Hospital Scranton 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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-426. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Application of Mount Nittany Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-427. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Application of Waynesboro Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Waynesboro Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6 (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, (717) 772-2163, paexcept@health.state.pa.us.

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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-428. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code §§ 101.4, 107.23, 143.2 and 143.3.

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.

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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-429. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, April 24, 2009, from 10 a.m. to 2 p.m. in Conference Room 327 of the Health and Welfare Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information, or persons with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17102 at (717) 772-2762 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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-430. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting on Thursday, March 19, 2009, from 10 a.m. to 3 p.m. at the Clothes Tree Building, 25 Beech Drive, Harrisburg, PA 17110.

For additional information, or persons with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jacki Rogers, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA 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.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-431. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, March 25, 2009, from 9 a.m. to 2 p.m. at the GIANT Super Food Store, The Community Center, 2nd Floor, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or persons with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA at (717) 787-5251 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-432. Filed for public inspection March 6, 2009, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Public Comment on the Proposed Federal Fiscal Year 2010 Combined Agency State Plan Attachments; Times Announced for Public Comment

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973, as amended in the Workforce Investment Act of 1998, announces a period of public comment on its proposed Federal Fiscal Year (FFY) 2010 Combined Agency State Plan Attachments. The FFY 2010 begins on October 1, 2009, and ends on September 30, 2010.

The purpose of this period of comment is to provide individuals, advocates and other interested parties and/or organizations opportunities to present their views and recommendations regarding Vocational Rehabilitation (VR) services for persons with disabilities. In this Commonwealth, these services are provided by OVR through a network of 21 District Offices and the Hiram G. Andrews Center (HGAC).

OVR is required, under law, to develop and implement a Combined Agency State Plan, which must be reviewed and, as necessary, revised annually when there are changes to its VR program. These revisions take the form of updates to existing attachments. The Plan currently in effect is for FFY 2009 and is a compliance document now on file with the Commissioner, Rehabilitation Services Administration and United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities living in this Commonwealth.

This period of public comment allows interested parties an opportunity to provide input regarding the Commonwealth's public VR program. Comment is being solicited regarding the following State Plan Attachments: input and recommendations of the Pennsylvania Rehabilitation Council; Comprehensive System of Personnel Development; annual estimate of individuals to be served and costs of services; OVR's goals and priorities; Order of Selection; distribution of Supported Employment Funds; and Innovation and Expansion Activities. In addition to the Vocational Rehabilitation State Plan, the agency's Bureau of Blindness and Visual Services will accept public comment on the Business Enterprise Program, Specialized Services for Children and Adults, and Independent Living Services for older persons who are blind, which are unique to their funding.

The listing is the pertinent information for the upcoming public meetings. Meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests call the OVR District Office conducting the public meeting a person wishes to attend. If an individual or organization's representative is unable to attend a public meeting, but wishes to provide testimony, written comments may be mailed to the appropriate District Office serving the area in which the individual/organization member resides. Written comments must be received no later than 5 p.m., Monday, April 30, 2009.

Persons or organizations wishing to obtain a copy of the proposed FFY 2010 Combined Agency State Plan Attachments or other information should call the contact person listed for the appropriate District Office serving their county's geographical area.

A copy of the approved FFY 2009 Combined Agency State Plan Attachments, as well as the proposed FFY 2010 Combined Agency State Plan Attachments, will be available on the OVR web site, [www.dli.state.pa.us](http://www.dli.state.pa.us) by using "Disability Services" as the Keyword.

#### Office of Vocational Rehabilitation District Office

##### State Plan Meeting Information

*Allentown BVRS District Office*  
(Carbon, Lehigh, Monroe and Northampton Counties)  
45 North Fourth Street, Allentown, PA 18102  
(800) 922-9536 (Voice), (888) 377-9207 (TTY)  
Date: April 1, 2009, 4 p.m.—6 p.m.  
Contact Person: Rick Walters

*Altoona BBVS District Office*  
(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)  
1130 12th Avenue, Fourth Floor Conference Room, Altoona, PA 16601  
(866) 695-7673 (Voice), (866) 320-7956 (TTY)  
Date: March 26, 2009, 3 p.m.—5:30 p.m.  
Contact Person: Ann Strollo

*Altoona BVRS District Office*  
(Bedford, Blair, Centre, Fulton and Huntingdon Counties)  
1130 12th Avenue, Fourth Floor Conference Room, Altoona, PA 16601  
(800) 442-6343 (Voice), (866) 320-7955 (TTY)  
Date: March 31, 2009, 3 p.m.—6 p.m.  
Contact Person: Pamela Montgomery

*DuBois BVRS District Office*

(Cameron, Clearfield, Elk, Jefferson and McKean Counties)  
199 Beaver Drive, DuBois, PA 15801  
(800) 922-4017 (Voice/TTY)  
Date: March 26, 2009, 11 a.m.—12 p.m. and 5 p.m.—6 p.m.  
Contact Person: Catherine Farr or Ralph Serafini

*Erie BBVS District Office*

(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)  
Date: April 2, 2009, 10:30 a.m.—12 p.m.  
Perkins Family Restaurant  
18276 Conneaut Lake Road, Meadville, PA 16335

and

## Office of Vocational Rehabilitation Conference Room

3100 Lovell Place, Erie, PA 16503  
(866) 521-5073 (Voice), (888) 884-5513 (TTY)  
Date: April 7, 2009, 5 p.m.—6:30 p.m.  
Contact Person: Dawn Sokol

*Erie BVRS District Office*

(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)  
Erie District Office Conference Room, 3200 Lovell Place, Erie, PA 16503  
(800) 541-0721 (Voice), (888) 217-1710 (TTY)  
Date: April 7, 2009, 1 p.m.—2:30 p.m. and 5 p.m.—6:30 p.m.  
Contact Person: Jack Hewitt

*Harrisburg BBVS District Office*

(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)  
(866) 375-8264 (Voice), (888) 575-9420 (TTY)  
Forum Place, 8th Floor Conference Room, 555 Walnut Street, Harrisburg, PA 17101  
Date: April 7, 2009, 10 a.m.—2 p.m. and 4:30 p.m.—6 p.m.  
Contact Person: Karen Knaub

and

## Susquehanna Association for the Blind and Vision Impaired in the Commons Room

244 North Queen Street, Lancaster, PA 17603  
Date: April 8, 2009, 3 p.m.—6 p.m.  
Contact Person: Kay Macsi (717) 291-5951

*Harrisburg BVRS District Office*

(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)  
Forum Place, 8th Floor Conference Room, 555 Walnut Street, Harrisburg, PA 17101  
(800) 442-6352 (Voice), (877) 497-6545 (TTY)  
Date: April 8, 2009, 3 p.m.—6 p.m.  
Contact Person: Chuck Cavalovitch

*Johnstown BVRS District Office*

(Cambria, Indiana, Somerset and Westmoreland Counties)  
HGAC Seminar Theater  
727 Goucher Street, Section 10, Johnstown, PA 15905  
(800) 762-4223 (Voice), (866) 862-6891 (TTY)  
Date: April 1, 2009, 3 p.m.—6 p.m.  
Contact Person: John Brown

*New Castle BVRS District Office*

(Armstrong, Beaver, Butler and Lawrence Counties)  
Conference Room  
100 Margaret Street, New Castle, PA 16101  
(800) 442-6379 (Voice), (888) 870-4476 (TTY)  
Date: April 2, 2009, 3 p.m.—6 p.m.  
Contact Person: Gary Gay

*Norristown BVRS District Office*

(Bucks, Chester, Delaware and Montgomery Counties)  
1875 New Hope Street, Norristown, PA 19401  
(800) 221-1042 (Voice), (888) 616-0470 (TTY)  
Date: March 31, 2009, 3:30 p.m.—6 p.m.  
Contact Person: Michael Wakefield

*Philadelphia BBVS District Office*

(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)  
 Meeting held at Philadelphia BBVS District Office Conference Room  
 5th Floor Conference Room, 444 North Third Street, Philadelphia, PA 19123  
 (866) 631-3892 (Voice), (888) 870-4473 (TTY)  
 Date: March 31, 2009, 5 p.m.—7 p.m.

and

Associated Services for the Blind  
 919 Walnut Street, 10th Floor, Philadelphia, PA 19107  
 (866) 631-3892 (Voice), (888) 870-4473 (TTY)  
 Date: April 7, 2009, 2:30 p.m.—4:30 p.m.  
 Contact Person: Roland Gensel

*Philadelphia BVRs District Office*

(Philadelphia County)  
 5th Floor Conference Room, 444 North Third Street, Philadelphia, PA 19123  
 (800) 442-6381 (Voice), (800) 772-9031 (TTY)  
 Date: March 31, 2009, 2 p.m.—4 p.m. and 5 p.m.—7 p.m.  
 Contact Person: Rose Higby

*Pittsburgh BBVS District Office*

(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)  
 Pittsburgh District Office Conference Room, 531 Penn Avenue, Pittsburgh, PA 15222  
 (866) 412-4072 (Voice), (877) 255-5082 (TTY)  
 Date: April 1, 2009, 4 p.m.—6 p.m.  
 Contact Person: Deb Armbruster

*Pittsburgh BVRs District Office*

(Allegheny County)  
 Pittsburgh District Office Conference Room, 531 Penn Avenue, Pittsburgh, PA 15222  
 (800) 442-6371 (Voice), (888) 870-4474 (TTY)  
 Date: March 26, 2009, 5:30 p.m.—7 p.m.  
 Contact Person: Gary Donatelli

*Reading BVRs District Office*

(Berks and Schuylkill Counties)  
 1090 Commons Boulevard, Reading, PA 19605  
 (800) 442-0949 (Voice), (877) 475-7326 (TTY)  
 Date: March 26, 2008, 2 p.m.—3 p.m. and 5 p.m.—6 p.m.  
 Contact Person: Janell Shaffer-Yoder

*Washington BVRs District Office*

(Fayette, Greene and Washington Counties)  
 Fayette Community Action Building  
 Conference Room B  
 137 North Beeson Boulevard, Uniontown, PA  
 Date: March 30, 2009, 11:30 a.m.—12:30 p.m.  
 (800) 442-6367 (Voice/TTY)  
 Contact Person: Mary Lou Danko

and

Washington District Office Conference Room  
 201 West Wheeling Street, Washington, PA 15301  
 (800) 442-6367 (Voice/TTY)  
 Date: March 31, 2009, 4:30 p.m.—6 p.m.  
 Contact Person: Mary Lou Danko

*Wilkes-Barre BBVS District Office*

(Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)  
 Allentown BVRs District Office Conference Room  
 45 North 4th Street, Allentown, PA 18102  
 (610) 821-6441, (888) 377-9207 (TTY)  
 Date: March 26, 2009, 4 p.m.—6 p.m.  
 Contact Person: Carol Siscovich (570) 826-2361, Ext. 219

and



Wilkes-Barre District Office BBVS  
 Wilkes-Barre District Office Conference Room, 300G Laird Street, Wilkes-Barre, PA 18702  
 (866) 227-4163 (Voice) or (570) 826-2361, (888) 651-6117 (TTY)  
 Date: April 9, 2008, 4 p.m.—6 p.m.  
 Contact Person: Stan Swaintek

*Wilkes-Barre BVRIS District Office*  
 (Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties)  
 Wilkes-Barre OVR, 300G Laird Street, Wilkes-Barre, PA 18702  
 (800) 634-2060 (Voice), (888) 651-6117 (TTY)  
 Date: April 1, 2008, 1 p.m.—2 p.m. and 5 p.m.—6 p.m.  
 Contact Person: Peggy Doyle

*Williamsport BVRIS District Office*  
 (Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties)  
 Conference Room, The Grit Building, Suite 102, 208 West Third Street, Williamsport, PA 17701  
 (800) 442-6359 (Voice), (800) 706-0884 (TTY)  
 Date: March 31, 2009, 3 p.m.—6 p.m.  
 Contact Person: Susan Swartz

*York BVRIS District Office*  
 (Adams, Franklin, Lancaster and York Counties)  
 2550 Kingston Road, Suite 101, York, PA 17402  
 (800) 762-6306 (Voice), (866) 466-1404 (TTY)  
 Date: April 8, 2008, 2 p.m.—6 p.m.  
 Contact Person: R. Barry Brandt

SANDI VITO,  
*Acting Secretary*

[Pa.B. Doc. No. 09-433. Filed for public inspection March 6, 2009, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The purpose of this notice is to announce the Department of Public Welfare (Department) is providing final notice of the establishment of disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance (MA) recipients. Across the Commonwealth there is a shortage of psychiatrists, notably those involved in the public health sector. The Department is working to recruit and retain psychiatrists to work in underserved rural and urban areas throughout the Commonwealth. These DSH payments are intended to help offset the medical education costs of psychiatrists incurred by the hospitals providing psychiatric services to MA recipients and the uninsured.

The Department previously published notice of its intent to distribute payments to qualifying teaching hospitals as grant payments at 38 Pa.B. 2742 (June 7, 2008). The Department received no public written comments in response to this notice. Upon guidance from the Centers for Medicare and Medicaid Services (CMS) regarding the distribution of these payments as grants, the Department revised the methodology for these payments to establish an additional class of DSH payments.

The Department will consider any psychiatric unit of a general acute care hospital enrolled in Pennsylvania MA with psychiatric medical education costs that exceed \$100,000, according to the Fiscal Year (FY) 2005-2006 MA Cost Report, eligible for this additional class of DSH payments if it meets one of the following criteria:

1. The hospital provides at least 40,000 psychiatric days of service to Pennsylvania MA recipients as reported on the FY 2005-06 MA Cost Report.

2. The hospital's inpatient psychiatric medical education costs for Pennsylvania MA recipients exceed \$500,000 as reported on the FY 2005-06 MA Cost Report.

3. The hospital's uncompensated care to net patient revenue is greater than 5.0% as reported by Pennsylvania Health Care Cost Containment Council for Fiscal Year 2007.

Payments to qualifying teaching hospitals are divided equally among all qualifying teaching hospitals.

In making these payments, the Department ensures that no acute care general hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

#### *Fiscal Impact*

The FY 2008-2009, fiscal impact of this grant program is \$0.500 million (\$0.228 million in State funds).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-583. (1) General Fund; (2) Implementing Year 2008-09 is \$228,000; (3) 1st Succeeding Year 2009-10 is \$228,000; 2nd Succeeding Year 2010-11 is \$228,000; 3rd Succeeding Year 2011-12 is \$228,000; 4th Succeeding Year 2012-13 is \$228,000; 5th Succeeding Year 2013-14 is \$228,000; (4) 2007-08 Program—\$468,589; 2006-07 Program—\$513,020; 2005-06 Program—\$474,693; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-434. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical Services

The purpose of this notice is to announce the Department of Public Welfare (Department) is providing final notice of the distribution of funding for Fiscal Year (FY) 2007-2008 disproportionate share hospital (DSH) payments to certain qualifying acute care general hospitals enrolled in the Medical Assistance (MA) Program that provide a high volume of MA births.

There is no change to the qualifying criteria for determining eligibility for these one-time payments.

In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

The Department published notice of its intent to distribute funding for FY 2007-2008 DSH payments to qualifying acute care general hospitals enrolled in the MA Program that provide a high volume of MA births at 38 Pa.B. 3359 (June 28, 2008). The Department did not receive any public comments during the 30 day public comment period following the publication of the notice.

#### *Fiscal Impact*

For FY 2007-2008 fiscal impact related to these payments is \$2.722 million (\$1.250 million in State funds).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-582. (1) General Fund; (2) Implementing Year 2007-08 is \$1.250 M; (3) 1st Succeeding Year 2008-09 is \$0.000 M; 2nd Succeeding Year 2009-10 is \$0.000 M; 3rd Succeeding Year 2010-11 is \$0.000 M; 4th Succeeding Year 2011-12 is \$0.000 M; 5th Succeeding Year 2012-13 is \$0.000 M; (4) 2006-07 Program—\$0.0 M; 2005-06 Program—\$0.0 M; 2004-05 Program—\$0.0 M; (7) Facilities and Services Enhancements; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-435. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Medical Assistance Program Outpatient Fee Schedule Revisions for Vision Services

The purpose of this notice is to announce the Department of Public Welfare's (Department) change to the Medical Assistance (MA) Program Fee Schedule, effective with dates of service on and after April 1, 2009.

The Department is end-dating Common Procedure Terminology (CPT) procedure code 65760, defined as "Keratomileusis," from the MA Program Fee Schedule with dates of service on and after April 1, 2009. Keratomileusis is a surgical procedure in which a slice of the patient's cornea is removed, reshaped and replaced. It is performed to correct retractive error and, as such, is considered cosmetic surgery.

Section 1141.59 of 55 Pa. Code (relating to noncompensable services) sets forth that payment will not be made for cosmetic surgery except when performed to improve the functioning of a malformed body member, to correct a visible disfigurement which would affect the ability of the person to obtain or hold employment, or as post-mastectomy breast reconstruction.

#### *Fiscal Impact*

The end-dating of CPT procedure code 65760 will have no fiscal impact. There have been no paid claims for procedure code 65760 from Fiscal Year 2006-2007 to the present time.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-584. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-436. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Supplemental Payments for Burn Center Services

The purpose of this notice is to announce that the Department of Public Welfare (Department) intends to allocate funding for Fiscal Year (FY) 2008-2009 for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled acute care general hospital burn centers. There will be no change in current qualifying criteria or methodology for determining eligibility for these payments.

#### *Fiscal Impact*

The FY 2008-2009 fiscal impact, as a result of this additional class of DSH payments is \$11.368 million (\$5.170 million in State General Funds and \$6.198 million in Federal Funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-585. (1) General Fund; (2) Implementing Year 2008-09 is \$5.170 M; (3) 1st Succeeding Year 2009-10 is \$0.000 M; 2nd Succeeding Year 2010-11 is \$0.000 M; 3rd Succeeding Year 2011-12 is \$0.000 M; 4th Succeeding Year 2012-13 is \$0.000 M; 5th Succeeding Year 2013-14 is \$0.000 M; (4) 2007-08 Program—\$5 M; 2006-07 Program—\$5 M; 2005-06 Program—\$0 M; (7) Hospital

Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-437. Filed for public inspection March 6, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Match 6 Lotto

Under 61 Pa. Code § 872.1 (relating to creation), the Secretary of Revenue provides public notice of the termination of the Match 6 Lotto lottery game rules at 61 Pa. Code §§ 872.1—872.17, effective March 11, 2009.

In accordance with 61 Pa. Code § 872.8(e) (relating to determination of prize winners), the Secretary of Revenue announces that in the event no ticket is sold containing the winning numbers necessary to claim the base play first prize category (jackpot) for the final Match 6 Lotto drawing to take place on March 10, 2009, the allocation of prize money will be as follows:

All base play first prize category (jackpot) prize money will be shared proportionately by winners of the base play

second, third and fourth prize categories and combined game prize winners matching 10 or more winning numbers; combined game prize winners matching 9 winning numbers; combined game prize winners matching 8 winning numbers; combined game prize winners matching 7 winning numbers; combined game prize winners matching 6 winning numbers; combined game prize winners matching 5 winning numbers; or combined game prize winners matching 4 winning numbers. Each of these prize categories will be allocated a proportion of the base play first prize category (jackpot) money equal to the proportion of prizes allocated normally to that prize category. Each prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a prize in that prize category. In no case will the amount of the prize paid be less than the holder of a winning ticket for that prize category would be entitled to without application of this provision.

The following chart indicates the percentage of sales to be paid for each prize if there is a winner of the base play first prize category (jackpot) for the March 10, 2009 Match 6 Lotto drawing and the percentage of sales to be paid for each prize if there is not a winner of the base play first prize category (jackpot) for the March 10, 2009 Match 6 Lotto drawing:

<i>Percent Of Sales To Be Paid In Prizes If There Is A Winner Of The Base Play First Prize Category (Jackpot) For The March 10, 2009 Drawing.</i>	<i>Percent Of Sales To Be Paid In Prizes If There Is Not A Winner Of The Base Play First Prize Category (Jackpot) For The March 10, 2009 Drawing.</i>
12.83%	0.0%
2.76%	3.64%
2.92%	3.85%
5.30%	6.99%
.21%	.28%
1.11%	1.46%
.58%	.77%
2.12%	2.80%
4.66%	6.15%
9.49%	12.52%
11.02%	14.54%

Tickets Containing the Following in One Single Play	
All 6 Winning Numbers (Base Play First Prize Category)	12.83%
5 Winning Numbers (Base Play Second Prize Category)	2.76%
4 Winning Numbers (Base Play Third Prize Category)	2.92%
3 Winning Numbers (Base Play Fourth Prize Category)	5.30%
Tickets Containing the Following in One Single Game	
10 or more Winning Numbers	.21%
9 Winning Numbers	1.11%
8 Winning Numbers	.58%
7 Winning Numbers	2.12%
6 Winning Numbers	4.66%
5 Winning Numbers	9.49%
4 Winning Numbers	11.02%

For the purposes of calculation of a prize to be paid under this provision the calculation shall be rounded down so that prizes can be paid in multiples of \$.50.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-438. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Pennsylvania Super 7 Terminal-Based Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Super 7. The game will commence at the

discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Price:* The price of a Pennsylvania Super 7 ticket is \$2 per play. Additional plays may be purchased at the discretion of the player.

3. *Description of the Pennsylvania Super 7 lottery game:*

(a) Pennsylvania Super 7 is designed to give players the opportunity to win one prize in each play.

(b) For a \$2 purchase, the player gets a ticket consisting of one play containing seven different numbers ranging from 1 to 77.

(c) Players can win a prize, identified in Section 6 (relating to prizes available to be won and determination of prize winners), by matching seven, six, five, four or three of the winning numbers randomly selected by the Lottery as determined and publicly announced by the Secretary.

4. *Pennsylvania Super 7 bet slip and ticket characteristics:*

(a) To purchase a ticket, the player shall remit to an on-line retailer the purchase price, submit the completed Pennsylvania Super 7 bet slip or request the number selection through Quick Pick or manual terminal entry to have a ticket issued. The ticket shall consist of one to five plays, each containing one seven-number selection for each \$2 wagered, the drawing date or range of dates for which the ticket is entered, the total cost of the bet, validation number data and the annuity option or cash option selection. The purchaser of a Pennsylvania Super 7 ticket may elect to receive the winning jackpot category prize payment either as an initial cash payment plus equal annual installments over a specified term of 30 years if the annuity option was selected at the time of purchase, or a one-time cash payment if the cash option was selected at the time of purchase. On tickets containing multiple plays, each seven-number selection will be identified by a letter prefix: A for the first play printed on the ticket; B for the second play printed on the ticket; C for the third play printed on the ticket; D for the fourth play printed on the ticket; and E for the fifth play printed on the ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(b) Pennsylvania Super 7 bet slips shall be available at no cost to the player. Through the use of a bet slip the player may select from one to five different seven-number selections, the number of drawings in which the number selections are played and the annuity option or cash option selection. Additionally, a player may exercise the Quick Pick option by indication on the bet slip. A \$2 wager entitles a player to play game A. A \$4 wager entitles a player to play games A and B. A \$6 wager entitles a player to play games A, B and C. An \$8 wager entitles a player to play games A, B, C and D. A \$10 wager entitles a player to play games A, B, C, D and E. Plays shall be selected in accordance with the instructions printed on the Pennsylvania Super 7 bet slip. A Pennsylvania Super 7 bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(c) If Pennsylvania Super 7 bet slips are unavailable, the designation of the drawing date or dates for which the ticket is entered, number selections or request for the Quick Pick option and annuity option or cash option selection may be given to an on-line retailer for each play. The retailer shall manually enter the drawing date or dates for which the ticket is entered, number selections or Quick Pick selection and annuity option or cash option selection into the Lottery terminal.

(d) To purchase a ticket at a Lottery self-service terminal that dispenses terminal-based Lottery tickets, the player shall designate the drawing date or dates for which the ticket is entered, number selections and annuity option or cash option selection. The player may use a

bet slip or the Quick Pick option at a self-service terminal that dispenses terminal-based Lottery tickets.

5. *Time, place and manner of conducting drawings.*

(a) *Time of drawing.* A Pennsylvania Super 7 drawing will be held as determined and publicly announced by the Secretary.

(b) *Place of drawing.* A Pennsylvania Super 7 drawing will be conducted in the Harrisburg, Pennsylvania area unless the Secretary directs and publicly announces that a drawing or part of the drawing procedure will be conducted at another location.

(c) *Manner of conducting drawings.* The Lottery will select, at random, eleven numbers from 1 through 77, with the aid of mechanical devices or any other selection methodology as authorized by the Secretary. The eleven numbers selected will be used in determining winners for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

6. *Prizes available to be won and determination of prize winners:*

(a) An amount equal to 52.19% of Pennsylvania Super 7 gross sales for a Pennsylvania Super 7 game drawing will be reserved for prizes and allocated to the winnings pool for payment of prizes as enumerated in Section 6(b) (relating to prizes available to be won and determination of prize winners). The winnings pool does not include money carried forward from a previous Pennsylvania Super 7 drawing.

(b) Determinations of Pennsylvania Super 7 prize winners for tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which the player's seven numbers, in a single play, match seven of the eleven winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of the jackpot category prize.

(i) The Lottery will estimate and announce the projected annuity option and cash option amounts for the jackpot category prize prior to the drawing.

(ii) Prize money allocated to the jackpot category prize will be paid on a pari-mutuel basis. If more than one winning jackpot category prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total jackpot category prize.

(iii) Prizes payable to the jackpot category prize winners will be paid either by an initial cash payment plus equal annual payments over a specified term of 30 years if the owner selected the annuity option at the time of purchase, or a one-time cash payment if the owner selected the cash option at the time of purchase.

(iv) If, in a Pennsylvania Super 7 drawing, there are no winning jackpot category prize plays, prize money allocated to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Super 7 drawing.

(v) The winner of a jackpot category prize who selected the cash option shall be entitled to the greater of the following:

(A) The announced cash option amount, divided by the number of plays in that drawing entitled to a jackpot category prize.

(B) The amount of 48.16% of the winnings pool after deduction of the fifth category prize, plus any money carried forward from a prior Pennsylvania Super 7 drawing under Sections 6(b)(2)(iv), 6(b)(3)(iv) and 6(b)(4)(iv), divided by the number of plays in that drawing entitled to a jackpot category prize.

(C) The minimum cash prize of a one-time cash payment in the amount equal to the funds that would be necessary, as determined by the Lottery, to fund an annuity of at least \$1 million if the annuity was to be paid as an initial cash payment plus equal annual payments over a specified term of 30 years, divided by the number of plays in that drawing entitled to a jackpot category prize.

(vi) The winner of a jackpot category prize who selected the annuity option shall be entitled to the greater of the following:

(A) The annuity prize as announced by the Lottery, divided by the number of plays in that drawing entitled to a jackpot category prize.

(B) The annuity prize, as determined by the Lottery, that could be funded with 48.16% of the winnings pool after deduction of the fifth category prize, plus any money carried forward from a prior Pennsylvania Super 7 drawing under Sections 6(b)(2)(iv), 6(b)(3)(iv) and 6(b)(4)(iv), divided by the number of plays in that drawing entitled to a jackpot category prize.

(C) The minimum annuity prize of at least \$1 million paid by an initial cash payment plus 30 equal annual installments, divided by the number of plays in that drawing entitled to a jackpot category prize.

(vii) For jackpot category prize payments the Secretary may elect to make payment entirely as a one-time cash payment. This one-time cash payment shall be calculated in the manner described in subparagraph (v).

(viii) The pool of funds used to pay the jackpot category prize will be increased as necessary from funds authorized for the payment of prizes to meet the payment obligations in this section.

(2) Holders of tickets upon which six of the player's numbers, in a single play, match six of the eleven winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of the second category prize.

(i) Prize money allocated to the second category prize will be paid on a pari-mutuel basis. If more than one winning second category prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total second category prize.

(ii) The winner of a second category prize shall be entitled to a prize in the amount of 13.42% of the winnings pool after deduction of the fifth category prize, divided by the number of plays in that drawing entitled to a second category prize.

(iii) For the purposes of calculation of the prize to be paid the winner of a second category prize, the calculation will be rounded down so that prizes can be paid in multiples of \$.50.

(iv) If, in a Pennsylvania Super 7 drawing, there are no winning second category prize plays, prize money allocated from the winnings pool to that prize category will

be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Super 7 drawing.

(3) Holders of tickets upon which five of the player's numbers, in a single play, match five of the eleven winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of the third category prize.

(i) Prize money allocated to the third category prize will be paid on a pari-mutuel basis. If more than one winning third category prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total third category prize.

(ii) The winner of a third category prize shall be entitled to a prize in the amount of 21.81% of the winnings pool after deduction of the fifth category prize, divided by the number of plays in that drawing entitled to a third category prize.

(iii) For the purposes of calculation of the prize to be paid the winner of a third category prize, the calculation will be rounded down so that prizes can be paid in multiples of \$.50.

(iv) If, in a Pennsylvania Super 7 drawing, there are no winning third category prize plays, prize money allocated from the winnings pool to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Super 7 drawing.

(4) Holders of tickets upon which four of the player's numbers, in a single play, match four of the eleven winning numbers selected by the Lottery for the drawing in which the ticket is entered shall be the winner of the fourth category prize.

(i) Prize money allocated to the fourth category prize will be paid on a pari-mutuel basis. If more than one winning fourth category prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total fourth category prize.

(ii) The winner of a fourth category prize shall be entitled to a prize in the amount of 16.61% of the winnings pool after deduction of the fifth category prize, divided by the number of plays in that drawing entitled to a fourth category prize.

(iii) For the purposes of calculation of the prize to be paid the winner of a fourth category prize, the calculation will be rounded down so that prizes can be paid in multiples of \$.50.

(iv) If, in a Pennsylvania Super 7 drawing, there are no winning fourth category prize plays, prize money allocated from the winnings pool to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Super 7 drawing.

(5) Holders of tickets upon which three of the player's numbers, in a single play, match three of the eleven winning numbers selected by the Lottery for the drawing in which the ticket is entered shall be the winner of the fifth category prize and shall be entitled to a prize of \$2.

(c) All Pennsylvania Super 7 prize payments will be made as a one-time, lump-sum cash payment with the exception of the jackpot category prize.

(d) A winning Pennsylvania Super 7 ticket is entitled only to the highest prize won by those numbers in each play appearing on the ticket.

(e) The number of prize categories, the allocation of prize money among the prize categories and the annuity term may be changed at the discretion of the Secretary

*Tickets Containing The Following, In One Single Play*

All Seven Winning Numbers	Jackpot
Six Winning Numbers	Second
Five Winning Numbers	Third
Four Winning Numbers	Fourth
Three Winning Numbers	Fifth

\*The Fifth Category Prize is a set prize of \$2.

and the change will be announced by public notice. Any such changes will apply prospectively to Pennsylvania Super 7 drawings as of the date specified in the public notice.

7. *Probability of winning.* The following table sets forth all possible ways that a prize can be won on a single ticket, the corresponding category prize, the probability of winning each prize and the percent of sales allocated to each category prize:

<i>Probability Of Winning Per Play Is 1 In:</i>	<i>Percent (%) Of Winnings Pool, After Deduction Of The Fifth Category Prize, To Be Paid In Prizes Per Category</i>
7,287,298	48.16%
78,866.9	13.42%
2,426.7	21.81%
159.3	16.61%
20.2	\$2*

8. *Retailer Incentive and Marketing Promotion Programs.*

(a) The Lottery may conduct a separate retailer incentive program for retailers who sell Pennsylvania Super 7 lottery tickets. The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. If needed, funds for the programs, including the payment of prizes resulting from the programs, will be drawn from the Lottery Fund.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-439. Filed for public inspection March 6, 2009, 9:00 a.m.]

Property Manager, Department of Transportation, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 09-440. Filed for public inspection March 6, 2009, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**

**Sale of Land No Longer Needed for Transportation Purposes**

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

The following property is available for sale by the Department.

Parcel No. 2 (Richard J. Passanita) located in Ashville Borough, Cambria County. This parcel contains 3,025.05 square feet of land at the intersection of SR 0053 and SR 0036, Ashville, PA 16613. The estimated fair market value of the parcel is \$2,943.50.

Interested public entities are invited to express their interest in purchasing the sites within 30 calendar days from the date of publication of this notice to Sherry Peck,

**Sale of Land No Longer Needed for Transportation Purposes**

**Lehigh County, SR 0222, Section 001**

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)) intends to sell certain land owned by the Department. The parcels are irregular in shape, located along the east side of SR 100 adjacent to two Department owned detention basins in Upper Macungie Township, Lehigh County. The parcels consist of approximately 2.5459 acres. The sale of the property is in an as is condition.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 09-441. Filed for public inspection March 6, 2009, 9:00 a.m.]

**ENVIRONMENTAL HEARING BOARD**

**Exelon Generation Company, LLC v. DEP; EHB Doc. No. 2009-025-C**

Exelon Generation Company, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in East Pikeland Township, Chester County.

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

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 09-442. Filed for public inspection March 6, 2009, 9:00 a.m.]

**Joseph and Kathleen Barry v. DEP; EHB Doc. No. 2009-017-C**

Joseph and Kathleen Barry have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Joseph G. Barry for stormwater discharges associated with construction activities in Frankstown Township, Blair County, PA.

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

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 09-443. Filed for public inspection March 6, 2009, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The Tuesday, March 17, 2009, meeting of the Environmental Quality Board (EQB) is cancelled. The next regularly scheduled meeting of the EQB will occur on Tuesday, April 21, 2009, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the April 21, 2009, meeting will be available on the Department of Environmental Protection's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: EQB).

Questions concerning the EQB's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@state.pa.us](mailto:mtate@state.pa.us).

JOHN HANGER,  
*Acting Chairperson*

[Pa.B. Doc. No. 09-444. Filed for public inspection March 6, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2009

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2009 total allowable commercial catch for walleye from the Commonwealth waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2009 total allowable commercial catch for yellow perch from the Commonwealth waters of Lake Erie is 30,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 30,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

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

[Pa.B. Doc. No. 09-445. Filed for public inspection March 6, 2009, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-426	Environmental Quality Board Long-Term 2 Enhanced Surface Water Treatment Rule (Safe Drinking Water) 38 Pa.B. 7035 (December 20, 2008)	1/20/09	2/19/09
7-427	Environmental Quality Board Safe Drinking Water (Stage 2 Disinfectants and Disinfection Byproducts Rule) 38 Pa.B. 7055 (December 20, 2008)	1/20/09	2/19/09
7-424	Coal and Clay Mine Subsidence Insurance Board Mine Subsidence Fund 38 Pa.B. 6931 (December 20, 2008)	1/20/09	2/19/09

---

### Environmental Quality Board Regulation #7-426 (IRRC #2735)

#### Long-Term 2 Enhanced Surface Water Treatment Rule; (Safe Drinking Water)

February 19, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the December 20, 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 Environmental Quality Board (Board) to respond to all comments received from us or any other source.

#### **Section 109.1202. Monitoring requirements.—Fiscal impact; Protection of public health, safety and welfare; Reasonableness; Need.**

The Philadelphia Water Department submitted comments noting research indicating “a poor correlation between E.coli and Cryptosporidium oocysts.” The research raises concerns relating to the options provided by this proposed regulation for monitoring Cryptosporidium levels in small public water systems. We recognize that this option is provided by the Federal regulations, and it gives smaller systems a less expensive alternative for monitoring Cryptosporidium. However, if it is not an effective tool for screening for possible threats from Cryptosporidium, this raises questions concerning the need for and costs of tests that do not necessarily produce reliable results. Doubts over reliability also raise public health concerns. We recommend that the Board and Department of Environmental Protection work closely with the U.S. Environmental Protection Agency in reviewing all the scientific data and bases for using E.coli tests as screening tool for Cryptosporidium.

---

### Environmental Quality Board Regulation #7-427 (IRRC #2736)

#### Safe Drinking Water (Stage 2 Disinfectants and Disinfection Byproducts Rule)

February 19, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the December 20, 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 Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

#### **1. General—Possible conflict with existing regulation; Protection of the public health, safety and welfare; Economic impact.**

In the Preamble, the EQB states:

The draft proposed amendments were submitted for review to the Small Water Systems Technical Assistance Center Advisory Board (TAC) for review and discussion on November 15, 2007. The TAC Board noted that the revisions are required for the Department to receive primacy and are not more stringent than the Federal rule. The TAC Board approved the proposed revisions in a letter dated December 12, 2007.

Additionally, the EQB approved this proposed regulation on August 19, 2008.

However, the Environmental Protection Agency (EPA) filed comments on this regulation and a clarification of its comments, both dated January 20, 2009. The EPA cited what it characterized as concerns related to six “major changes,” ten “minor changes” and “other changes” to the existing regulation. In light of the EPA concerns, the



final-form regulation should include an explanation of how these EPA concerns were addressed and a summary of the communications the EQB had with the EPA to make sure Pennsylvania will maintain primacy with the implementation of the final-form regulation.

**2. Section 109.701. Reporting and recordkeeping.—Protection of the public health, safety and welfare; Clarity.**

There are three discrepancies in this section between the regulatory package submitted by the EQB on November 24, 2008, and the publication in the December 20, 2008 edition of the *Pennsylvania Bulletin*. First, Subparagraph (a)(8)(ii) is missing a bracket, and therefore, it is unclear what language the EQB proposes to delete. Second, Paragraph (a)(9) in the *Pennsylvania Bulletin* has a missing bracket, as it appears that the EQB intended to delete (9) in its entirety and renumber (10) to (9). Finally, in Paragraph (a)(10) in the *Pennsylvania Bulletin*, the word “precursors” should not be shown in bold type.

These discrepancies may have caused confusion and impacted public comment. Ideally, a correction would have been published in the *Pennsylvania Bulletin* before the close of the public comment period. Since the opportunity for that correction has passed, the EQB should make efforts to ensure that the regulated community is both aware of the discrepancies and has had the opportunity to address any concerns before the final-form regulation is submitted.

Also, the City of Philadelphia commented that the requirement to make written reports of operational evaluation levels available to the public under clauses 109.701(g)(2)(iii)(B) and (C) could present security concerns. These reports are required to include “an examination of system treatment and distribution operational practices, including storage tank operations....changes in sources . . . .” See § 109.701(g)(2)(iii)(C). The EQB should explain how it considered security concerns in relation to this requirement and how the requirement will not make information available to the public that could be used for nefarious purposes.

**Coal and Clay Mine Subsidence Insurance Board  
Regulation #7-424 (IRRC #2737)**

**Mine Subsidence Fund**

**February 19, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the December 20, 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 Coal and Clay Mine Subsidence Insurance Board (Board) to respond to all comments received from us or any other source.

**1. Section 401.11. Eligibility for insurance.—Reasonableness; Clarity.**

Subsections (d)(1) and (2) contain the phrase “to the Board’s satisfaction.” This phrase is vague and contains no direct guidance for the regulated community. What criteria will be used to determine if “satisfaction” is achieved? The Board should establish these criteria in the final-form regulation or should remove this phrase.

**2. Section 401.42. Commission rates.—Reasonableness; Clarity.**

This section states, “The Board will annually establish commission rates.” How will these rates be established? How will the regulated community be notified of what the annual rate is? The final-form regulation should set forth how the annual commission rates will be established and where they can be found.

**3. Section 401.43. Payment of commissions.—Reasonableness; Clarity.**

This section states that “[t]he Board may authorize other forms of payment.” How could one obtain this authorization? Also, what other forms of payment could be authorized by the Board? This should be included in the final-form regulation.

**4. Section 401.44. Repayment of commissions.—Clarity.**

Under this section, in what timeframe must an insurance producer repay the unearned commissions? This should be specified in the final-form regulation.

**5. Section 401.45. Confidentiality of policyholder information.—Reasonableness; Clarity.**

This section states that insurance producers must “safeguard all applicant and policyholder information and are responsible for the misuse of information that is under their control.” The term “safeguard” and the phrase “misuse of information” are vague. The regulation does not provide the regulated community a clear understanding of the expectations of the Board. In addition, the lack of clarity could lead to different enforcement standards. We recommend that this section be amended to provide more precise language that would allow the regulated community to understand what the Board expects of them and also provide a uniform standard that could be applied evenly to all insurance producers.

**6. Section 401.51. Loans and grants.—Statutory authority; Legislative intent; Reasonableness; Clarity.**

This section allows the Board to authorize loans and grants to entities to develop technologies, perform services or engage in other activities that benefit the fund. We acknowledge that Section 19 of the act of August 23, 1961 (P. L. 1068, No. 484) (52 P. S. § 3219) (act) provides the Board with broad rulemaking authority to fulfill the purposes of the act. However, Section 1 of the act (52 P. S. § 3201), relating to purposes, does not contemplate the issuance of loans or grants by the Board. What is the Board’s authority to provide loans or grants, and how is this consistent with the intent of the General Assembly when it passed the act?

If the Board is able to demonstrate that it has the statutory authority to provide loans and grants, we recommend that the final-form regulation include more detail on how the loan and grant program will be administered. The application process, criteria for reviewing applications and timeframes for applying for loans and grants should be included.

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 09-446. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
41-18	County Probation and Parole Officers' Firearms Education and Training Commission	2/12/09	3/19/09
14-510	Department of Public Welfare Payment for Burial and Cremation	2/12/09	3/19/09
2-158	Department of Agriculture Standards for Seed Certification	2/19/09	4/2/09
2-157	Department of Agriculture General Provisions for Seed Certification	2/19/09	4/2/09
2-156	Department of Agriculture Seed Testing, Labeling and Standards	2/19/09	4/2/09
125-95	Pennsylvania Gaming Control Board Suppliers' Principal Place of Business; Temporary Credentials and Recordkeeping	2/19/09	4/2/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-447. Filed for public inspection March 6, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### JL Holdings, LLC; Prehearing

#### Appeal of JL Holdings, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0032(F); Doc. No. UT09-02-015

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on April 15, 2009, at 9:30 a.m. A hearing shall occur on Thursday, April 30, 2009, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before March 31, 2009. Answers to petitions to intervene, if any, shall be filed on or before April 14, 2009.

On or before March 31, 2009, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with

a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischaer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-448. Filed for public inspection March 6, 2009, 9:00 a.m.]

#### Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation and The First Liberty Insurance Corporation; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On February 20, 2009, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company, Liberty Insurance Corporation and The First Liberty Insurance Corporation a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 4.2% increase amounting to \$10.4 million annually, to be effective July 1, 2009, for new business and August 5, 2009, for renewal business.

Unless formal administrative action is taken prior to April 21, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-449. Filed for public inspection March 6, 2009, 9:00 a.m.]

### **Nationwide Mutual Fire Insurance Company; Homeowners Rate and Rule Filing; Rate Filing**

On February 16, 2009, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for rate level changes for homeowners insurance.

The company requests an overall rate increase of 3.3% amounting to \$5.896 million annually, to be effective on July 28, 2009.

Unless formal administrative action is taken prior to April 17, 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 Gang (Eric) Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-450. Filed for public inspection March 6, 2009, 9:00 a.m.]

### **Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Allen and Lynette Taylor; file no. 09-183-65722; Erie Insurance Exchange; Doc. No. P09-02-017; April 8, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-451. Filed for public inspection March 6, 2009, 9:00 a.m.]

## **MILK MARKETING BOARD**

### **Hearing and Presubmission Schedule; Milk Marketing Area No. 3; General Price Hearing**

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on April 1, 2009, commencing at 9:30 a.m. in Room 202 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive evidence to establish minimum wholesale and minimum retail prices in Milk Marketing Area No. 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on March 10, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on March 10, 2009, notification of their desire to be included as a party. Parties should

indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on March 12, 2009, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses, there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on March 19, 2009, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on March 26, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on March 20, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 09-452. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 4; General Price Hearing

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on April 1, 2009, commencing at 10 a.m. in Room 202 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive evidence to establish minimum wholesale and minimum retail prices

in Milk Marketing Area No. 4. Parties who present evidence regarding wholesale discounts using a cents per quart methodology must also present evidence regarding wholesale discounts using a percentage methodology.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on March 10, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on March 10, 2009, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on March 12, 2009, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses, there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on March 19, 2009, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on March 26, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on March 20, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 09-453. Filed for public inspection March 6, 2009, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, March 10, 2009.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 09-454. Filed for public inspection March 6, 2009, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board (Board) is scheduled to be held on Monday, March 23, 2009, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Jeanne Dworetzky at (717) 783-8411 or [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

JOHN HANGER,  
*Acting Chairperson*

[Pa.B. Doc. No. 09-455. Filed for public inspection March 6, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Rate Mitigation Plan

**P-2009-2091280. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for approval of a Rate Mitigation Plan.

Answers may 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, on or

before March 11, 2009, with a copy served on the petitioner. The documents filed in support of the petition 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 petitioner's business address.

*Petitioner:* PPL Electric Utilities Corporation

*Through and By Counsel:* David B. MacGregor, Esquire, Post & Schell, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-456. Filed for public inspection March 6, 2009, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 08-162.7, Mill and Repave Rail Tracks at Packer Avenue Marine Terminal until 2 p.m., Thursday, April 2, 2009. Bid documents available March 10, 2009, from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134. Additional information found at [www.philaport.com](http://www.philaport.com). Cost of the bid document is \$35 (includes 7% PA Sales Tax) and is nonrefundable. PRPA is an Equal Opportunity Employer (EOE) and contractor must comply with all applicable EOE laws.

A mandatory prebid job site meeting Thursday, March 19, 2009, 10 a.m. at Delaware and Packer Avenues, Pier Entrance South Gate on Service Road, Philadelphia, PA. Bidders must provide to the Procurement Department in writing (24 hours prior to meeting), the names of all that will be attending, fax to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-457. Filed for public inspection March 6, 2009, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-016.P, Automotive Parts and Supplies Contract until 2 p.m. on Friday, March 20, 2009. The bid document can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on Monday, March 9, 2009. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractors must comply with all applicable EEO laws.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-458. Filed for public inspection March 6, 2009, 9:00 a.m.]

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-021.P, Purchase 230 pieces No. 6 Rebar 30 ft. long until 2 p.m. on Tuesday, March 17, 2009. The bid document can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available Tuesday, March 10, 2009. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractors must comply with all applicable EEO laws.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-459. Filed for public inspection March 6, 2009, 9:00 a.m.]

---

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-025.P and No. 09-026.P, Janitorial Supplies, until 2 p.m. on Friday, March 20, 2009. The bid document can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and

will be available March 10, 2009. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractors must comply with all applicable EEO laws.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-460. Filed for public inspection March 6, 2009, 9:00 a.m.]

---

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-027.P, Asphalt Material, until 2 p.m. on Friday, March 20, 2009. The bid document can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 10, 2009. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractors must comply with all applicable EEO laws.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-461. Filed for public inspection March 6, 2009, 9:00 a.m.]

---



