

PENNSYLVANIA BULLETIN

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Resources

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

No. 415, June 2009

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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.

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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:

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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.

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THE COURTS

Title 249—PHILADELPHIA RULES

Board of Revision of Taxes and Board of View;
President Judge Administrative Order No.
2009-03

Order

And Now, this 22nd of May, 2009, *It Is Hereby Ordered, Adjudged and Decreed* that effective May 22, 2009:

Pursuant to a vote of the Board of Judges on May 21, 2009, upon cause demonstrated, Mr. Joseph A. Russo is hereby removed from office as a member of the Board of Revision of Taxes and as a Member of the Board of View.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

HONORABLE PAMELA PRYOR DEMBE,
President Judge

[Pa.B. Doc. No. 09-1054. Filed for public inspection June 12, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LACKAWANNA COUNTY

Repeal and Adoption of Lackawanna County Rules
of Civil Procedure; No. 94 CV 102

Order

And Now, this 27th day of May, 2009, it is hereby *Ordered and Decreed* that the attached Lackawanna County Rules of Civil Procedure are amended as follows:

1. Lacka. Co. R.C.P. 205.2(b), 1034, 1035.2 and 3129.1 are amended as reflected in the attached rules. The amended language of those rules appears in italics for ease of reference;

2. New Lacka. Co. R.C.P. 1143 and 1143.1 are adopted as reflected in the attached rules. The new language of those rules appears in italics for ease of reference;

3. In order to effectuate the new and amended rules attached hereto, new Form 1 (Civil Cover Sheet), Form 8 (Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 205.2(b) and 1143(a)), Form 9 (Request for Conciliation Conference), Form 10 (Case Management Order pursuant to Lacka. Co. R.C.P. 1143.1(c)), Form 11 (Notice of Residential Mortgage Foreclosure Diversion Program pursuant to

Lacka. Co. R.C.P. 1034 or 1035.2), Form 12 (Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 3129.1), Form 13 (Affidavit pursuant to Lacka. Co. R.C.P. 3129.1) and Form 14 (Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet) are adopted as reflected in the attached rules;

4. Pursuant to Pa.R.C.P. 239(c)(2)—(6), the attached Local Rules shall be disseminated and published in the following manner:

(a) Seven (7) certified copies of the attached Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the attached Local Rules and a computer diskette containing the text of the attached Local Rules in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the attached Local Rules shall be filed with the Civil Procedural Rules Committee;

(d) The attached Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s); and

(e) A computer diskette containing the text of the attached Local Rules in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the web site of the Lackawanna Bar Association.

5. The attached amendments to Lacka. Co. R.C.P. 205.2(b), 1034, 1035.2 and 3129.1 and new adoptions of Lacka. Co. R.C.P. 1143 and 1143.1 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* pursuant to Pa. R.C.P. 239(d).

By the Court

CHESTER P. HARHUT,
President Judge

Rule 205.2(b). Civil Cover Sheet.

No summons, complaint, pleading or other document used to commence a new civil action will be accepted for filing by the Clerk of Judicial Records unless it is accompanied by a duly completed Civil Cover Sheet in the format set forth in Form 1 of the Appendix. *In all residential mortgage foreclosure actions bearing the case code designation "RP/MF/RES" on the Civil Cover Sheet, no summons, complaint, pleading or other document used to commence a new residential mortgage foreclosure civil action will be accepted for filing by the Clerk of Judicial Records unless it is accompanied by a Notice of Residential Mortgage Foreclosure Diversion Program form in the format set forth in Form 8 of the Appendix.*

Rule 1034. Motion for Judgment on the Pleadings.

(a) A party filing a motion for judgment on the pleadings shall file the original motion for judgment on the pleadings with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance

with Lacka. Co. R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co. R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of motion for judgment on the pleadings, and scheduling of oral argument, if necessary, shall be governed by Lacka. Co. R.C.P. 211(c)—(g).

(b) As a condition precedent to the filing of a motion for judgment on the pleadings in a residential mortgage foreclosure action involving a residential property which serves as the primary residence of the defendant/borrower, the plaintiff/lender must serve upon the defendant/borrower a "Notice of Residential Mortgage Foreclosure Diversion Program" in the format set forth in Form 11 of the Appendix, unless such a Notice has already been served pursuant to Lacka. Co. R.C.P. 1143. Following the service of the "Notice of Residential Mortgage Foreclosure Diversion Program" in the format prescribed in Form No. 11 of the Appendix, all proceedings shall be stayed for a period of sixty (60) days in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1. Upon the expiration of that stay period, the plaintiff/lender in such a residential mortgage foreclosure action may proceed to file a motion for judgment on the pleadings in compliance with Lacka. Co. R.C.P. 1034(a).

(c) If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under this Rule, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form No. 9 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the Notice of Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.

(d) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by Lacka. Co. R.C.P. 1143.1(c). Conciliation conferences shall be scheduled and conducted in conformity with Lacka. Co. R.C.P. 1143.1(c)—(f).

Rule 1035.2. Motion for Summary Judgment.

(a) A party filing a motion for summary judgment shall file the original motion for summary judgment with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka. Co. R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co. R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of motion for summary judgment and scheduling of oral argument, if necessary, shall be governed by Lacka. Co. R.C.P. 211(c)—(g).

(b) As a condition precedent to the filing of a motion for summary judgment in a residential mortgage foreclosure action involving a residential property which serves as the primary residence of the defendant/borrower, the plaintiff/lender must serve upon the defendant/borrower a "Notice of Residential Mortgage Foreclosure Diversion Program" in the format set forth in Form 11 of the Appendix, unless such a Notice has already been served pursuant to Lacka. Co. R.C.P. 1143. Following the service

of the "Notice of Residential Mortgage Foreclosure Diversion Program" in the format prescribed in Form No. 11 of the Appendix, all proceedings shall be stayed for a period of sixty (60) days in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1. Upon the expiration of that stay period, the plaintiff/lender in such a residential mortgage foreclosure action may proceed to file a motion for summary judgment in compliance with Lacka. Co. R.C.P. 1035.2(a).

(c) If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under this Rule, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form No. 9 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the Notice of Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.

(d) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by Lacka. Co. R.C.P. 1143.1(c). Conciliation conferences shall be scheduled and conducted in conformity with Lacka. Co. R.C.P. 1143.1(c)—(f).

Rule 1143. Commencement of Mortgage Foreclosure Action.

(a) In all residential mortgage foreclosure actions involving a residential property which serves as the primary residence of the defendant/borrower, the complaint must include a Civil Cover Sheet bearing the case code designation "RP/MF/RES" as required by Lacka. Co. R.C.P. 205.2(b). In addition to the Civil Cover Sheet bearing the case code designation "RP/MF/RES," the complaint shall include a "Notice of Residential Mortgage Foreclosure Diversion Program" in the format set forth in Form 8 of the Appendix. Service of the complaint in such a residential mortgage foreclosure action shall include the "Notice of Residential Mortgage Foreclosure Diversion Program" advising the defendant/borrower of the action to be taken by the defendant/borrower within sixty (60) days of service of the complaint in order to participate in a court-supervised conciliation conference pursuant to Lacka. Co. R.C.P. 1143.1.

(b) If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form 9 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the complaint and Notice of Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.

(c) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by Lacka. Co.

R.C.P. 1143.1(c). Conciliation Conferences shall be scheduled and conducted in conformity with Lacka. Co. R.C.P. 1143.1(c)—(f).

(d) Following the service of the “Notice of Residential Mortgage Foreclosure Diversion Program” (Form No. 8) in a residential mortgage foreclosure action bearing the case code designation “RP/MF/RES,” all proceedings shall be stayed for a period of sixty (60) days in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised conciliation conference.

Rule 1143.1. Conciliation Conference in Residential Mortgage Foreclosure Actions.

(a) The defendant/borrower shall be entitled to participate in a court-supervised conciliation conference with the plaintiff/borrower in all residential mortgage foreclosure actions in which the defendant/borrower: (i) has been served with a Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b), 1143(a) or 3129.1(c); (ii) has completed a financial worksheet in the format set forth in Form No. 14 of the Appendix in advance of the Conciliation Conference; and (iii) has filed and served a Request for Conciliation Conference. If the defendant/borrower in a residential mortgage foreclosure action has already participated in a conciliation conference, the plaintiff/lender or the defendant/borrower may request an additional conciliation conference for good cause shown by presenting a motion seeking the scheduling of a conciliation conference in accordance with Lacka. Co. R.C.P. 208.3(a).

(b) To be eligible to participate in a Conciliation Conference, a self-represented defendant/borrower who has been served with a Notice of Residential Mortgage Foreclosure Diversion Program under Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b), 1143(a) or 3129.1(c) must contact and meet with one of the housing counselors identified in the Notice, complete a financial worksheet (Form No. 14), and file the Request for Conciliation Conference form within the time deadlines set forth in the applicable Notice. If the defendant/borrower is represented by counsel, the defendant/borrower need not contact and meet with one of the identified housing counselors as a condition precedent to requesting a Conciliation Conference, provided that counsel for the defendant/borrower completes the prescribed financial worksheet (Form No. 14), and files the Request for Conciliation Conference form within the time deadlines set forth in the applicable Notice. In the event that the defendant/borrower has not been served with a Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b), 1143(a) or 3129.1(c), the defendant/borrower in a residential mortgage foreclosure action shall have the right to participate in a court-supervised conciliation conference provided that the defendant/borrower completes a financial worksheet (Form No. 14), files a Request for Conciliation Conference form with the Clerk of Judicial Records and delivers a time-stamped copy to the Court Administrator.

(c) Upon receipt of a duly-filed Request for Conciliation Conference form, the Court Administrator shall issue a Case Management Order (Form No. 10) scheduling the matter for the next available Conciliation Conference list. The Case Management Order shall specify the date, time and place of the Conciliation Conference and shall be forwarded by the Court Administrator via ordinary mail to counsel for the parties and to any self-represented parties. At least fourteen (14) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender or its counsel a copy of the

“Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet” (Form No. 14) which has been completed by the defendant/borrower in compliance with Lacka. Co. R.C.P. 1143.1. The failure to do so will result in the removal of the case from the Conciliation Conference schedule and the termination of the temporary stay of proceedings under Lacka. Co. R.C.P. 1034(b), 1035.2(b), 1143(d) or 3129.1(e).

(d) Conciliation Conferences in residential mortgage foreclosure actions will be conducted in the Jury Orientation Lounge, 1st Floor, Lackawanna County Court House at 10:00 AM on the last Friday of each month. In the event that the last Friday of a month falls on a holiday, the Conciliation Conference will be conducted on the preceding Friday unless another date is fixed by the Case Management Order.

(e) Conciliation Conferences will be conducted by the presiding judge unless a Special Master or Judge Pro Tempore is appointed by the Court to conduct the Conciliation Conference. The defendant/borrower and counsel for the parties must attend the Conciliation Conference in person and an authorized representative of the plaintiff/lender must either attend the Conciliation Conference in person or be available by telephone during the course of the Conciliation Conference. The representative of the plaintiff/lender who participates in the Conciliation Conference must possess the actual authority to reach a mutually acceptable resolution, and counsel for the plaintiff/lender must discuss resolution proposals with that authorized representative in advance of the Conciliation Conference. The Court in its discretion may require the personal attendance of the authorized representative of the plaintiff/lender at the Conciliation Conference.

(f) At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which include: bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to vacate in the near future in exchange for not contesting the matter and a monetary payment; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty months; and the institution of bankruptcy proceedings.

Rule 3129.1. Notice of Sale. Real Property.

(a) Whenever a sale of real property is governed by Pa. R.C.P. 3129.1, all handbills, written notices, and publications shall include, as part of the location of the property, a street address.

(b) Street address is defined as the street number and street name where a number exists. Where no street number exists, the street address is defined as the land and/or portion of land between the nearest two street numbers and/or intersecting streets which do exist and the street name.

(c) If the real property sought to be sold pursuant to Pa. R.C.P. 3129.1 is a residential property which serves as the primary residence of the defendant(s)/borrower(s), and unless the defendant(s)/borrower(s) has already been served with the required “Notice of Residential Mortgage Foreclosure Diversion Program” pursuant to Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b) or 1143(a), the plaintiff/lender must serve a “Notice of Residential Mortgage Foreclosure Diversion Program” upon the defendant(s)/borrower(s) in the format set forth in Form No. 12 of the Appendix and file an “Affidavit Pursuant to

Lacka. Co. R.C.P. 3129.1” in the format set forth in Form No. 13 attesting either that: (1) the defendant(s)/borrower(s) has not opted to participate in the “Residential Mortgage Foreclosure Diversion Program” within the time prescribed in the “Notice of Residential Mortgage Foreclosure Diversion Program;” or (2) the defendant(s)/borrower(s) has participated in a court-supervised conciliation conference, but the residential mortgage foreclosure claim has not been resolved and no further conciliation conferences are scheduled.

(d) The affidavit required by *Lacka. Co. R.C.P. 3129.1(c)* shall be filed with the Clerk of Judicial Records and a copy shall be delivered to the Sheriff’s Office before any residential property may be listed for Sheriff’s Sale. The affidavit required by this Rule shall be in the format set forth in Form No. 13 of the Appendix.

(e) If the defendant/borrower in a residential mortgage

foreclosure action has taken the affirmative steps identified in the “Notice of Residential Mortgage Foreclosure Diversion Program” to be eligible to participate in a court-supervised conciliation conference, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form 10 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the “Notice of Residential Mortgage Foreclosure Diversion Program” and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator. Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by *Lacka. Co. R.C.P. 1143.1(c)*. Conciliation Conferences shall be scheduled and conducted in conformity with *Lacka. Co. R.C.P. 1143.1(c)–(f)*.

FORM 1

Court of Common Pleas of Lackawanna County

Civil Cover Sheet

FOR CLERK OF JUDICIAL RECORDS USE ONLY
Docket Number:

PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from other jurisdictions	
AMOUNT IN CONTROVERSY In Excess of Jurisdictional Amount? Yes <input type="checkbox"/> No <input type="checkbox"/>	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Other:		
CASE TYPE AND CODE (SEE INSTRUCTIONS)			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
REMARKS:			
TO THE CLERK OF JUDICIAL RECORDS: Please enter my appearance on behalf of Plaintiff; Papers may be served at the address set forth below:			
NAME OF PLAINTIFF'S ATTORNEY OR PRO SE PLAINTIFF		ADDRESS	
PHONE NUMBER	FAX NUMBER		
SUPREME COURT IDENTIFICATION NO.		E-MAIL ADDRESS	
SIGNATURE		DATE	

LACKAWANNA COUNTY COURT OF COMMON PLEAS
CIVIL COVER SHEET INSTRUCTIONS

An attorney or pro se party filing a document commencing any type of civil action shall file a properly completed Civil Cover sheet. Copies of the Civil Cover Sheet shall be attached to service copies of the document commencing the action.

PARTIES

Regardless of the type of action, the initiating party or parties shall be designated as Plaintiff or Plaintiffs and the responding party or parties shall be designated as Defendant or Defendants. Names of individuals shall be listed as last name, first name, middle initial. Full names of agencies and corporations shall be provided. Spouses shall be listed as separate parties unless the claim of one spouse is limited to a claim for consortium in which case the designation, et ux. or et vir shall be used. Where there are more than three plaintiffs or defendants, a supplemental form listing the additional parties shall be attached to the Cover Sheet.

The section labeled "Remarks" is for procedural matters only. These may include such matters as related cases where consolidation might be advisable. Matters such as expected difficulty with service of process or the status of settlement discussions do not belong in this section.

CASE TYPE AND CODE DESIGNATION

FAM	Family Court	L	TORT/BF	Tort Bad Faith
FAM/CUST	Custody		TORT/WCP	Wrongful Use of Civil Process
FAM/DIV	Divorce		TORT/O	Other torts
MCT	Minor Court Appeal		NGL/MVA	Motor Vehicle Accident
LAG	Local Agency Appeal		NGL/NF	No-Fault Benefits
LAG/MVS	Motor Vehicle Suspension		NGL/PI	Personal Injury
LAG/ZB	Zoning Board Appeal		NGL/PREM	Premises Liability
LAG/O	Other Agency Appeals		NGL/PROD	Product Liability
PCP/VAL	Validation of Tax Title		NGL/TT	Toxic Tort
PCP/TS	Tax Sale		NGL/O	Other Negligence Action
PCP/OBJ	Objection to Tax Sale	M	MLP/D	Dental Malpractice
PCP/PRIV	Petition to set aside private sale		MLP/L	Legal Malpractice
PCP/O	Other Proceedings commenced by Petition		MLP/M	Medical Malpractice
CJ	Confession of Judgment		MLP/O	Other Malpractice
CLASS	Class Action	RE	EQ	Equity
CNT	Contract cases		REPL	Replevin
DECL	Declaratory Judgment		RP	Real Property
COND/DT	Condemnation/Declaration of Taking		RP/EJ	Ejectment
TORT/AB	Assault & Battery		RP/QT	Quiet Title
TORT/LS	Libel & Slander		RP/MF/RES	Residential Mortgage Foreclosure
TORT/FR	Fraud		RP/MF/O	Other Mortgage Foreclosure
			RP/ML	Mechanic's Lien
			RP/PRT	Partition
			PP	Personal Property Actions

STATUTORY CAUSE OF ACTION

If the action is commenced pursuant to statutory authority, the specific statute must be identified with full citation.

PENDING CASES

Previously filed related cases must be identified by caption and docket number whether or not consolidated.

: IN THE COURT OF COMMON PLEAS
 : OF LACKAWANNA COUNTY

Plaintiff(s) :

vs. :

Defendant(s) : NO. ___-CV-___

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE
 DIVERSION PROGRAM PURSUANT TO
 LACKA. CO. R.C.P. 205.2(b) and 1143(a)**

You have been served with a foreclosure complaint that could cause you to lose your home.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact a housing counselor at either the Neighborhood Housing Services of Lackawanna County (570) 558-2490 or the United Neighborhood Centers of Northeastern Pennsylvania (570) 343-8835 to schedule an appointment. Second, once you have contacted one of the housing counselors, you must promptly meet with that housing counselor within twenty (20) days of your telephone contact with them. During that meeting, you must provide the housing counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the mortgage foreclosure suit proceeds forward.

If you are represented by a lawyer, it is not necessary for you to contact one of the housing counseling agencies. However, you and your attorney must complete a financial worksheet in the format attached hereto so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete a financial worksheet within forty (40) days of your receipt of this Notice, your lawyer will be able to file a Request for Conciliation Conference on your behalf so that a conciliation conference can be scheduled. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

**IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE
 THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.**

Respectfully submitted:

 Date

 [Signature of Counsel for Plaintiff]

(Form 8 – Notice of Residential Mortgage Foreclosure Diversion Program Pursuant to Lacka. Co. R.C.P. 205.2(b) and 1143(a).

THE COURTS

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff(s)	:	
	:	
vs.	:	
	:	
Defendant(s)	:	NO. ____-CV-____

REQUEST FOR CONCILIATION CONFERENCE

Pursuant to the local rules governing the Lackawanna County Residential Mortgage Foreclosure Diversion Program, the undersigned hereby certifies as follows:

1. Defendant is the owner of the property which is the subject of this mortgage foreclosure action;
2. Defendant lives in the subject property which is defendant's primary residence;
3. Defendant has been served with a "Notice of Residential Mortgage Foreclosure Diversion Program" and has taken all of the steps required in that Notice to be eligible to participate in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Signature of Defendant/Defendant's Counsel

Date

(Form 9 - Request for Conciliation Conference)

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
	:	
	:	
	:	
Plaintiff(s)	:	CIVIL ACTION – AT LAW
vs.	:	NO. ____ CV ____
	:	
Defendant(s)	:	
	:	

**CASE MANAGEMENT ORDER
PURSUANT TO LACKA. CO. R.C.P. 1143.1(c)**

AND NOW, the defendant/borrower in the above-captioned residential mortgage foreclosure action having filed a Request for Conciliation Conference form verifying that the defendant/borrower has complied with the local rule requirements for the scheduling of a Conciliation Conference under Lacka. Co. R.C.P. 1143.1, it is hereby ORDERED and DECREED that

1. The parties and their counsel are directed to participate in a court-supervised Conciliation Conference on _____ at 9:30 AM in the Jury Orientation Lounge, 1st Floor, Lackawanna County Court House;
2. At least fourteen (14) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender or its counsel a copy of the “Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet” (Form No. 14) which has been completed by the defendant/borrower in compliance with Lacka. Co. R.C.P. 1143.1. The failure to do so will result in the removal of this case from the Conciliation Conference schedule and the termination of the temporary stay of proceedings under Lacka. Co. R.C.P. 1034(b), 1035.2(b), 1143(d) or 3129.1(e).

3. The defendant/borrower and counsel for the parties must attend the Conciliation Conference in person and an authorized representative of the plaintiff/lender must either attend the Conciliation Conference in person or be available by telephone during the course of the Conciliation Conference. The representative of the plaintiff/lender who participates in the Conciliation Conference must possess the actual authority to reach a mutually acceptable resolution, and counsel for the plaintiff/lender must discuss resolution proposals with that authorized representative in advance of the Conciliation Conference. If the duly authorized representative of the plaintiff/lender is not available by telephone during the Conciliation Conference, the Court will schedule another Conciliation Conference and require the personal attendance of the authorized representation of the plaintiff/lender at the rescheduled Conciliation Conference.

4. At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which shall include: bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to tender a monetary payment and to vacate in the near future in exchange for not contesting the matter; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty months; and the institution of bankruptcy proceedings

5. All proceedings in this matter are stayed pending the completion of the scheduled conciliation conference.

BY THE COURT:

_____ J.

: IN THE COURT OF COMMON PLEAS
 : OF LACKAWANNA COUNTY

Plaintiff(s) :

vs. :

Defendant(s) : NO. ___-CV-___

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE
 DIVERSION PROGRAM
 PURSUANT TO LACKA. CO. R.C.P. 1034 OR 1035.2**

You have been sued in this mortgage foreclosure action and your lender intends to promptly ask the court to enter judgment against you. The entry of judgment against you could cause you to lose your property in the near future.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact a housing counselor at either the Neighborhood Housing Services of Lackawanna County (570) 558-2490 or the United Neighborhood Centers of Northeastern Pennsylvania (570) 343-8835 to schedule an appointment. Second, once you have contacted one of the housing counselors, you must promptly meet with that housing counselor within twenty (20) days of your telephone contact with them. During that meeting, you must provide the housing counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before a judgment is entered against you.

If you are represented by a lawyer, it is not necessary for you to contact one of the housing counseling agencies. However, you and your attorney must complete a financial worksheet in the format attached hereto so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete a financial worksheet within forty (40) days of your receipt of this Notice, your lawyer will be able to file a Request for Conciliation Conference on your behalf so that a conciliation conference can be scheduled. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

**IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE
 THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.**

 [Signature of Counsel for Plaintiff]

 Date

(Form 11 – Notice of Residential Mortgage Foreclosure Diversion Program Pursuant to Lacka. Co.1034 or 1035.2).

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff(s)	:	
	:	
vs.	:	
	:	
Defendant(s)	:	NO. ____-CV-____

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE
 DIVERSION PROGRAM
 PURSUANT TO LACKA. CO. R.C.P. 3129.1**

A judgment has been entered against you in this mortgage foreclosure action and your property is about to be listed for Sheriff's Sale.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to have the sale of your residence postponed so that you can participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact a housing counselor at either the Neighborhood Housing Services of Lackawanna County (570) 558-2490 or the United Neighborhood Centers of Northeastern Pennsylvania (570) 343-8835 to schedule an appointment. Second, once you have contacted one of the housing counselors, you must promptly meet with that housing counselor within twenty (20) days of your telephone contact with them. During that meeting, you must provide the housing counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before your home is listed for Sheriff's Sale.

If you are represented by a lawyer, it is not necessary for you to contact one of the housing counseling agencies. However, you and your attorney must complete a financial worksheet in the format attached hereto so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete a financial worksheet within forty (40) days of your receipt of this Notice, your lawyer will be able to file a Request for Conciliation Conference on your behalf so that a conciliation conference can be scheduled. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.

Respectfully submitted:

Date

[Signature of Counsel for Plaintiff]

(Form 12 - Notice of Residential Mortgage Foreclosure Diversion Program Pursuant to Lacka. Co.R.C.P. 3129.1).

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff(s)	:	
	:	
vs.	:	
	:	
Defendant(s)	:	NO. ____ CV ____
	:	

AFFIDAVIT PURSUANT TO LACKA. CO. R.C.P. 3129.1

I, _____, counsel for plaintiff in the above action, do hereby certify that on _____, I served the "Notice of Residential Mortgage Foreclosure Diversion Program" upon defendants(s) or defendant's counsel and that:

More than 60 days has elapsed since the service of the Notice, and to the best of my knowledge, information and belief, defendant has not opted to participate in the diversion program by taking the affirmative steps required by the Notice.

Plaintiff(s) and defendant(s) have participated in a court-supervised conciliation conference, but the parties have been unable to resolve this matter and no further conciliation conferences have been scheduled.

Respectfully submitted

Date

[Plaintiff's Counsel]

(Form 13 – Affidavit Pursuant to Lacka. Co. R.C.P. 3129.1)

Lackawanna County Residential Mortgage Foreclosure Diversion Program
Financial Worksheet

Date _____
Tracking # _____

BORROWER REQUEST FOR HARDSHIP ASSISTANCE

To complete your request for hardship assistance, your lender must consider your circumstances to determine possible options while working with your counseling agency. Please provide the following information to the best of your knowledge:

CUSTOMER/PRIMARY APPLICANT

Borrower name(s): _____
Loan Number: _____
Property Address: _____
City: _____ State: _____ Zip: _____
Is the property for sale? Yes No Listing date: _____ Price: \$ _____
Realtor Name: _____ Realtor Phone: _____
Borrower Occupied? Yes No
Mailing Address (if different): _____
City: _____ State: _____ Zip: _____
Phone Numbers: Home: _____ Office: _____
Cell: _____ Other: _____
Email: _____
of people in household: _____ How long? _____

CO-BORROWER

Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Numbers: Home: _____ Office: _____
Cell: _____ Other: _____
Email: _____
of people in household: _____ How long? _____

COUNSELOR INFORMATION

Counseling Agency: _____
Counselor: _____
Phone (Office): _____ Fax: _____
Email: _____

First Mortgage Lender: _____
Type of Loan: _____
Loan Number: _____ Date You Closed Your Loan: _____
Second Mortgage Lender: _____
Type of Loan: _____
Loan Number: _____

Total Mortgage Payments Amount: \$ _____ Included Taxes & Insurance: _____
Date of Last Payment: _____

(Form No. 14 - Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet)

Primary Reason for Default:

Is the loan in Bankruptcy? Yes No

If yes, provide names, location of court, case number & attorney: _____

<u>Assets</u>	<u>Amount Owed:</u>	<u>Value:</u>
Home:	\$ _____	\$ _____
Other Real Estate:	\$ _____	\$ _____
Retirement Funds:	\$ _____	\$ _____
Investments:	\$ _____	\$ _____
Checking:	\$ _____	\$ _____
Savings:	\$ _____	\$ _____
Other:	\$ _____	\$ _____

Automobile #1: Model: _____ Year: _____

Amount owed: _____ Value: _____

Automobile #2: Model: _____ Year: _____

Amount owed: _____ Value: _____

Other transportation (automobiles, boats, motorcycles): Model: _____

Year: _____ Amount owed: _____ Value _____

Monthly Income

Name of Employers:

1. _____
2. _____
3. _____

Additional Income Description (not wages):

1. _____ monthly amount: _____
2. _____ monthly amount: _____

Borrower Pay Days: _____ Co-Borrower Pay Days: _____

Monthly Expenses: (Please only include expenses you are currently paying)

EXPENSE	AMOUNT	EXPENSE	AMOUNT
Mortgage		Food	
2 nd Mortgage		Utilities	
Car Payment(s)		Condo/Neigh. Fees	
Auto Insurance		Med. (not covered)	
Auto fuel/repairs		Other prop. payment	
Install. Loan Payment		Cable TV	
Child Support/Alim.		Spending Money	
Day/Child Care/Tuit.		Other Expenses	

Amount Available for Monthly Mortgage Payments Based on Income & Expenses:

AUTHORIZATION

I/We, _____, authorize the above named agency to use/refer this information to my lender/servicer for the sole purpose of evaluating my financial situation for possible mortgage options. I/We understand that I/we am/are under no obligation to use the counseling services provided by the above named agency.

Borrower Signature

Date

Co-Borrower Signature

Date

Please forward this page along with the following information to lender:

- ✓ **Proof of income**
- ✓ **Past 2 bank statements**
- ✓ **Proof of any expected income for the last 45 days**
- ✓ **Copy of a current utility bill**
- ✓ **Letter explaining reason for delinquency and any supporting documentation (hardship letter)**
- ✓ **Listing agreement (if property is currently on the market)**

In an effort to evaluate all of the workout options available to you, a counselor staff will work with your lender(s) and servicing company to determine eligibility.

Lender's Contact (Name): _____ Phone: _____

Non Profit Counselor Contact: _____ Phone: _____

HOUSING AFFORDABILITY WORKSHEET

Borrower Name: _____
 Property Address: _____
 Lender: _____ Loan #: _____
 Arrears (principal, interest, escrows, no late fees): _____
 Unpaid Loan Balance: _____
 Interest Rate Now: _____ Type of Loan: _____

Current Financials:

Proposed Resolution:

Current P&I: \$ _____

Future debt to income ratio: _____ %

Property Taxes: \$ _____

Total allowable debt: \$ _____
 (.45 x gross income)

HO Insurance: \$ _____

Total allow. housing debt: \$ _____
 (subtract other debt on credit report)

PMI: \$ _____

Total Housing Debt: \$ _____

Total allowable P&I: \$ _____
 (subtract taxes, HOI, PMI)

Total Monthly Debt: \$ _____
 (from credit report)

Proposed Interest Rate = _____ %

Total Debt: \$ _____

Fixed Rate for remaining term of loan.

Current Back End Ratio

Other proposed terms: _____

Total Gross Income: \$ _____

Back End Ratio = \$ _____
 (total monthly debt/gross income)

WESTMORELAND COUNTY

Rule WJ507 A2; No. 3 of 2009

And Now this 26th day of May, 2009, it is *Hereby Ordered* that Westmoreland County Rule of Judicial Administration WJ507 is repealed and that new Rule of Judicial Administration WJ507 is adopted.

By the Court

JOHN E. BLAHOVEC,
President Judge

Rule WJ507. Raw Notes. Transcripts. Retention of Raw Notes and Transcripts.

A. Definition

Raw Notes include those produced on paper tapes or other media in the original state in which they were taken at the time of testimony.

B. Raw Notes of Testimony

1. In any case in which no transcript has been prepared, the raw notes shall be retained for seven years from the date of testimony.

2. Any party may petition the court for an order directing the retention of particular raw notes for a period of time beyond the seven years required in paragraph 1.

C. Automatic Transcripts

Court reporters will automatically transcribe raw notes and file the original transcript of all Termination of Parental Rights and Adoption proceedings.

D. Transcripts

1. The original of all transcripts will be filed with the appropriate record keeper. With the exception of paragraphs 2 and 3 of this section, transcripts filed with the official record keeper are subject to the retention periods for case files set forth in the *County Records Manual*.

2. Transcripts filed in juvenile matters may be destroyed when the subject reaches the age of 25, or 10 years after the last action in the case, whichever is later.

3. Transcripts for Divorce or Annulment cases may be destroyed 5 years after the Final Decree in Divorce or Annulment is entered.

E. Record Retention Disposal Log

Disposal of notes shall be accomplished as provided in Section 2.3 of the *Supreme Court's Record Retention and Disposition Schedule*. When completing the Disposal Log Forms, the notes need not be listed on the Log by caption and case number, but may be listed only by date of hearing.

Comment: Pursuant to 23 Pa.C.S.A. § 2905(a), raw notes of testimony of Adoption and Termination of Parental Rights proceedings must be filed of record. Paragraph

C requires that all such proceedings be transcribed and that the transcripts be filed. This requirement exceeds the statutory requirement.

[Pa.B. Doc. No. 09-1056. Filed for public inspection June 12, 2009, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of the Commonwealth Court of Pennsylvania for the Year 2010; No. 126 M. D. No. 3

Order

And Now, this 20th day of May, 2009, *It Is Hereby Ordered* that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2010 as follows:

<i>Dates</i>	<i>Situs</i>
February 8—12	Philadelphia
March 15—19	Harrisburg
April 19—23	Pittsburgh
May 17—21	Philadelphia
June 21—25	Harrisburg
September 13—17	Harrisburg
October 12—15	Philadelphia
November 8—12	Pittsburgh
December 6—10	Harrisburg

BONNIE BRIGANCE LEADBETTER,
President Judge

[Pa.B. Doc. No. 09-1014. Filed for public inspection June 5, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF
THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Robert J. Kelley, Jr., having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated September 12, 2008, the Supreme Court of Pennsylvania issued an Order on May 28, 2009, disbaring Robert J. Kelley, Jr., from the Bar of this Commonwealth, effective June 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-1057. Filed for public inspection June 12, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

DEPARTMENT OF STATE

[4 PA. CODE CH. 191]

Alteration of Local Election Districts

The Department of State (Department) has amended 4 Pa. Code by adding Chapter 191 (relating to alteration of local election districts). The act of November 24, 1999 (P. L. 543 No. 51) (25 P. S. §§ 2745—2750) (act) provides for the manner in which a county board of elections may alter election districts and the manner in which a county board of elections shall report election data.

Notice of proposed rulemaking was published at 38 Pa.B. 4628 (August 23, 2008). Publication was followed by a 30-day public comment period. The Department did not receive any comments from the public. The Department received no comments from the Senate or House Committees as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). On October 22, 2008, the Independent Regulatory Review Commission (IRRC), as part of its review of proposed rulemaking under the Regulatory Review Act, offered comments on the proposed rulemaking as described in detail as follows with the Department's response.

Statutory Authority

Section 540 of the act (25 P. S. § 2750) provides that regulations may be promulgated to administer the act.

Purpose

The purpose of the final-form rulemaking is to establish an efficient method for the reporting of alterations to local election districts by the various county boards of elections and to provide for the efficient reporting of election data for the local election districts contained within each county. By requiring the timely reporting of alterations to election districts, the regulations are intended to minimize confusion among voters who are directly affected by an election district alteration.

Explanation of Chapter 191:

Chapter 191: Alteration of local election districts.

The Department has adopted Chapter 191 to set forth four sections which include general provisions regarding: definitions; procedures for implementing alteration of local election districts; procedures for implementing the outcome of alteration of local election districts; and procedures for reporting election districts.

§ 191.1. Definitions.

IRRC commented that the definition of "report" contains the term "report," and "[s]ection 1.7(e) of the *Pennsylvania Code and Bulletin Style Manual (Style Manual)* states that '[t]he term being defined may not be included as part of the definition.'" Therefore, the Department replaced the term "report" with the term "record." The Department also added clarifying language as to what a "report" should consist of, by stating that it is a "record, which includes a map and a verbal description, of the boundaries of each resulting district after an election has been established, abolished, divided, consolidated or

altered . . ." The Department believes that the new language addresses IRRC's concern and gives further clarification for the public.

IRRC also commented that paragraphs (1)—(4) under the definition of "report" contained requirements for the content of the report and that § 1.7(c) of the *Style Manual* "does not permit the inclusion of substantive language in a definition." To address IRRC's concern, the Department moved paragraphs (1)—(3) to § 191.2(c), to clarify what a report should include.

§ 191.2. Procedures for implementing alteration of local election districts.

IRRC commented that subsection (a) required the county board of elections to submit a report to the Bureau of Commissions, Elections and Legislation (Bureau) and that the final-form regulations should clarify if written or electronic, or both, formats, are acceptable to the Bureau. To address IRRC's concern, the Department added the phrase "either electronically or in paper form" to subsection (a) to clarify what format a county board of elections may submit a report to the Bureau.

IRRC also commented that in subsection (b), the phrase "... may not be implemented until the *next following* primary or election" is confusing and the Department should remove the word "following." To address IRRC's concern, the Department removed the word "following" from the phrase in subsection (b).

§ 191.3. Procedures for implementing the outcome of alteration of local election districts.

The Department did not receive any comments on this section and did not make any changes. Therefore, the Department adopted this section as proposed.

§ 191.4. Procedures for reporting election results.

The Department did not receive any comments on this section and did not make any changes. Therefore, the Department adopted this section as proposed.

Fiscal Impact

The final-form rulemaking will have a negligible impact upon the Department and the county boards of elections because the rulemaking does not require the implementation of new programs or processes.

Paperwork Requirements

The paperwork requirements will not be substantially altered as a result of the final-form rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 2, 2009, the Department submitted a copy of this final-form rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate and House State Government Committees (Committees). A copy of this material is available to the public upon request.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of comments received as well as other documents when requested. In preparing the final-form rulemaking, the Department considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 6, 2009, the final-form rule-making was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 7, 2009, and approved the final-form rulemaking.

Contact Person

Additional information may be obtained by contacting Shauna C. Graves, Assistant Counsel, Department of State, 301 North Office Building, Harrisburg, PA 17120-0029 or shgraves@state.pa.us.

Findings

The Department of State finds that:

(1) Public notice of the proposed rulemaking was 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 under those sections in 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) These amendments to the alteration of local election district regulations are necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Department therefore orders that:

(a) The regulations of the Department, 4 Pa. Code are amended by adding §§ 191.1—191.4 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of Attorney General for approval as required by law.

(c) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PEDRO A. CORTÉS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 2650 (May 23, 2009).)

Fiscal Note: Fiscal Note 16-42 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 4. ADMINISTRATION

PART VIII. BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION

Subpart F. REDISTRICTING

CHAPTER 191. ALTERATION OF LOCAL ELECTION DISTRICTS

Sec.	
191.1.	Definitions.
191.2.	Procedures for implementing alteration of local election districts.
191.3.	Procedures for implementing the outcome of alteration of local election districts.
191.4.	Procedures for reporting election results.

§ 191.1. Definitions.

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

Boundaries—The physical requirements for the resulting election district boundaries as set forth in the Pennsylvania Election Code (25 P. S. §§ 2601—3554). The requirements relating to congressional and legislative districts are set forth in section 506 of the Pennsylvania Election Code (25 P. S. § 2706).

Bureau—The Bureau of Commissions, Elections and Legislation.

Report—A record, which includes a map and a verbal description, of the boundaries of each resulting district after an election district has been established, abolished, divided, consolidated or altered, which shall be filed by a county board of elections with the Bureau under the Pennsylvania Election Code relating to alterations of election districts after the period of restriction.

(b) The definitions in sections 102 and 535 of the Pennsylvania Election Code (25 P. S. §§ 2602 and 2745), are incorporated by reference.

§ 191.2. Procedures for implementing alteration of local election districts.

(a) Within 30 days of an alteration, the county board of elections shall submit a report, as defined in § 191.1(a) (relating to definitions), to the Bureau either electronically or in paper form.

(b) The report shall be submitted to the Bureau at least 45 days prior to a primary or an election. If the county board of elections does not submit the report at least 45 days prior to the primary or election, the election district alteration may not be implemented until the next primary or election.

(c) The report must include the following:

(1) Maps of:

(i) The resulting districts.

(ii) The previous districts.

(2) Verbal description of:

(i) The resulting districts.

(ii) The previous districts.

(3) A signed court order approving the resulting districts.

(4) A description of the reasons for the alteration, including precinct splits, mergers, renaming of districts or boundary changes.

§ 191.3. Procedures for implementing the outcome of alteration of local election districts.

(a) The county board of elections or voter registration commission shall enter the outcome of the alteration in the Statewide Uniform Registry of Electors (SURE), only after it has completed all of the procedures outlined in § 191.2 (relating to procedures for implementing alteration of local election districts).

(b) If a county alters the election district of an elector, the county board of elections shall send that elector a new voter identification card, as provided in 25 Pa.C.S. § 1328(c)(2) (relating to approval of registration applications).

§ 191.4. Procedures for reporting election results.

The county board of elections shall report election results for each election district within the county either

electronically in the format prescribed by the Secretary of the Commonwealth or on the paper form provided by the Secretary of the Commonwealth.

[Pa.B. Doc. No. 09-1058. Filed for public inspection June 12, 2009, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Corrective Amendment to 25 Pa. Code § 93.9z

The Department of Environmental Protection (Department) has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9z (relating to Drainage List Z) as deposited with the Legislative Reference Bureau and published at 30 Pa.B. 6059, 6106 (November 18, 2000) and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 315, February 2001), and as currently appearing in the *Pennsylvania Code*. The amendments made by the Department at 30 Pa.B. 6059, 6106 were codified incorrectly.

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 § 93.9z. The corrective amendment to 25 Pa. Code § 93.9z is effective as of February 3, 2001, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9z appears in Annex A, with ellipses referring to the existing text of the regulation.

JOHN HANGER,
Chairperson

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

GENERAL PROVISIONS

§ 93.9z. Drainage List Z.

Potomac River Basin in Pennsylvania

Potomac River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Toms Run	Basin (all sections in PA)	Franklin	WWF, MF	None
2—Antietam Creek				
3—East Branch Antietam Creek	Basin, Source to Vineyard Run	Franklin	HQ-CWF, MF	None
4—Vineyard Run	Basin	Franklin	HQ-CWF, MF	None
3—East Branch Antietam Creek	Main Stem, Vineyard Run to Confluence with West Branch	Franklin	CWF, MF	None
4—Unnamed tributaries to East Branch Antietam Creek	Basins (all sections in PA) Vineyard Run to Confluence with West Branch	Franklin	CWF, MF	None
4—Deer Lick Run	Basin	Franklin	CWF, MF	None
4—Biesecker Run	Basin	Franklin	CWF, MF	None
4—Red Run	Main Stem	Franklin	CWF, MF	None
5—Unnamed tributaries to Red Run	Basins (all sections in PA)	Franklin	CWF, MF	None
5—Devils Run	Basin	Franklin	CWF, MF	None
5—Mackey Run	Basin	Franklin	CWF, MF	None
5—Falls Creek	Basin (all sections in PA)	Franklin	WWF, MF	None
3—West Branch Antietam Creek	Basin, Source to SR 997 Bridge	Franklin	HQ-CWF, MF	None
3—West Branch Antietam Creek	Basin, SR 997 Bridge to Confluence with East Branch	Franklin	CWF, MF	None
2—Antietam Creek	Basin, Confluence of East and West Branches to PA-MD State Border	Franklin	WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Antietam Creek (MD)				
3—Unnamed tributaries to Antietam Creek	Basins (all sections in PA), PA-MD State Border to Mouth	Franklin	WWF, MF	None
3—Marsh Run	Basin (all sections in PA)	Franklin	WWF, MF	None
3—Marsh Creek	Basin, Source to Willoughby Run	Adams	CWF, MF	None
4—Willoughby Run	Basin	Adams	WWF, MF	None
3—Marsh Creek	Basin, Willoughby Run to PA-MD State Border	Adams	CWF, MF	None
3—Marsh Creek (MD)				
4—Unnamed tributaries to Marsh Creek	Basins (all sections in PA) PA-MD State Border to Mouth	Adams	CWF, MF	None
3—Rock Creek	Basin (all sections in PA)	Adams	WWF, MF	None
3—Alloway Creek	Basin (all sections in PA)	Adams	WWF, MF	None
3—Cattail Branch	Basin (all sections in PA)	Adams	WWF, MF	None
3—Piney Creek	Basin (all sections in PA)	Adams	WWF, MF	None
3—Toms Creek	Basin, Source to LR 01053 (SR 3021) Bridge	Adams	HQ-CWF, MF	None
3—Toms Creek	Main Stem, LR 01053 to PA-MD State Border	Adams	CWF, MF	None
4—Unnamed tributaries to Toms Creek	Basins, LR 01053 Bridge to PA-MD State Border	Adams	CWF, MF	None
4—Miney Branch	Basin	Adams	CWF, MF	None
4—Friends Creek	Basin (all sections in PA)	Adams	CWF, MF	None
3—Toms Creek (MD)				
4—Unnamed tributaries to Toms Creek	Basins (all sections in PA), PA-MD State Border to Mouth	Adams	CWF, MF	None
4—Flat Run	Basin (all sections in PA)	Adams	WWF, MF	None
4—Middle Creek	Basin, Source to PA 116 Bridge (near Fairfield)	Adams	HQ-CWF, MF	None
4—Middle Creek	Basin, PA 116 Bridge to PA-MD State Border	Adams	CWF, MF	None
4—Middle Creek (MD)				
5—Unnamed tributaries to Middle Creek	Basins, (all sections in PA) PA-MD State Border to Mouth	Adams	CWF, MF	None

[Pa.B. Doc. No. 09-1059. Filed for public inspection June 12, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

Mortgage Licensee Education

The document which appeared at 39 Pa.B. 2805 (June 6, 2009) should have contained the following fiscal impact notation:

Fiscal Note: 3-44. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1023. Filed for public inspection June 5, 2009, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 21, 2009, meeting, proposed the following rule-making:

Amend § 135.103 (relating to registration for controlled goose hunting areas) to permit persons who have previously hunted a controlled goose hunting area to apply for unclaimed blinds on the morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 21, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 3, 2009.

1. Purpose and Authority

The Commission currently maintains two controlled goose hunting areas across this Commonwealth at its Pymatuning and Middle Creek Wildlife Management Areas. As a measure to promote full and equal opportunity for all Pennsylvania goose hunters, the Commission has limited hunters to hunt only 1 day per season on only one controlled goose hunting area as either a reservation holder or a guest of a reservation holder. Although a rare occasion, the lack of flexibility of this restriction has had the unfortunate consequence of limiting the Commission's ability to fill unclaimed blinds when there was an absence of available first-time hunter applicants present on the morning of the designated shooting day. The Commission has determined that it can continue to promote full and equal opportunity for all Pennsylvania goose hunters while also advancing the fullest utilization of its unclaimed blinds by amending this restriction. The Commission is proposing to amend § 135.103 to permit persons who have previously hunted a controlled goose hunting area to make application for unclaimed blinds on the

morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." The amendments to § 135.103 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.103 by replacing the language prohibiting persons who have previously hunted a controlled goose hunting area from applying for an unclaimed blind with language permitting persons who have previously hunted a controlled goose hunting area to apply for unclaimed blinds on the morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

3. Persons Affected

Persons wishing to apply for controlled goose hunting area blinds may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-287. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(6) [An individual may hunt 1 day per season on one controlled goose hunting area as a reservation holder, a guest of a reservation holder or by applying for unclaimed reservations. An individual filling more than one application or hunting more than

one time per season on a controlled goose hunting area in this Commonwealth shall be denied the privilege of hunting on these areas for 3 years] Except as otherwise provided in subparagraph (i), each person is permitted to hunt only 1 day per season on only one controlled goose hunting area as either a reservation holder or a guest of a reservation holder.

(i) *Exception.* In the absence of applications for unclaimed blinds from persons who have not previously been a registration holder or the guest of a registration holder on the morning of the designated shooting day, a person who has previously been a registration holder or the guest of a regis-

tration holder may apply for an unclaimed blind in the manner provided for in paragraph (8).

(ii) *Penalty.* Except as otherwise authorized by subparagraph (i), a person who files more than one application or hunts more than one time per season on one or more controlled goose hunting areas with this Commonwealth will be denied the privilege to hunt any controlled goose hunting area for 3 years.

* * * * *

[Pa.B. Doc. No. 09-1060. Filed for public inspection June 12, 2009, 9:00 a.m.]

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 June 2, 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

Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-3-2008	Black River Bancventure, Inc., Memphis, TN, acquired 15.0% of the common stock of Allegiance Bank of North America, Bala Cynwyd, PA	Memphis, TN	Effective

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-29-2009	Chemung Financial Corporation, Elmira, NY, acquired 100% of Canton Bancorp, Inc., Canton, PA, and thereby indirectly acquired Bank of Canton, Canton, PA, which merged with and into Chemung Canal Trust Company, Elmira, NY, a wholly-owned subsidiary of Chemung Financial Corporation	Elmira, NY	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-29-2009	Jonestown Bank and Trust Company of Jonestown, PA Jonestown Lebanon County	101 Northside Commons Palmyra Lebanon County	Approved
5-29-2009	Susquehanna Bank Lititz Lancaster County	1635 Market Street Philadelphia Philadelphia County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-21-2009	Susquehanna Bank Lititz Lancaster County	6669 Security Boulevard Suite 5 Baltimore Baltimore County, MD	Filed
5-29-2009	Northwest Savings Bank Warren Warren County	325 Center Street Chardon Geauga County, OH	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS
Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
6-1-2009	Spojnia Credit Union Scranton Lackawanna County	Amend Article 5 of the Articles of Incorporation	Approved and Effective

Amendment to Article 5 will decrease the required minimum share deposit to \$5.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1061. Filed for public inspection June 12, 2009, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2009, is 6 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.76 to which was added 2.50 percentage points for a total of 6.26 that by law is rounded off to the nearest quarter at 6 1/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1062. Filed for public inspection June 12, 2009, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES**

**Conservation and Natural Resources Advisory
Council Meeting Notice**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, June 24, 2009, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

CLIFFORD C. DAVID, Jr.,
Chairperson

[Pa.B. Doc. No. 09-1063. Filed for public inspection June 12, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088528 (Sew)	Tulpehocken Township 22 Rehrrsburg Road P. O. Box 272 Rehrrsburg, PA 19555	Berks County Tulpehocken Township	Swatara Creek 7-D	Y
PA0088510 (Sew)	Tulpehocken Township 22 Rehrrsburg Road P. O. Box 272 Rehrrsburg, PA 19555	Berks County Tulpehocken Township	UNT to Swatara Creek 7-D	Y
PA0246816 (Sew)	Lenker Estates Homeowners Association P. O. Box 123 720 Allegheny Street Dauphin, PA 17018	Dauphin County Halifax Township	UNT to Susquehanna River 6-C	Y
PA0085511 (Sew)	West Hanover Water and Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112-9728	Dauphin County West Hanover Township	UNT to Manada Creek 7-D	Y
PA0080489 (Sew)	The Buffalo Restaurant 3298 Susquehanna Trail Duncannon, PA 17020-7004	Perry County Watts Township	Susquehanna River 6-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0038920 (Sew)	Burnham Borough Authority 200 First Avenue Burnham, PA 17009	Mifflin County Burnham Borough	Kishacoquillas Creek 12-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0208825 SP	Austin Borough P. O. Box 297 Austin, PA 16720	Potter County Portage Township	Freeman Run 8A	Y
PA0208566 IW	Bressler Truck Plaza, LLC 2994 East Valley Road Loganton, PA 17847	Northumberland County Turbot Township	Storm Sewer To Limestone Run 10D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035696	Travelodge 6101 Wattsburg Road Erie, PA 16509-4037	Millcreek Township Erie County	UNT to Mill Creek 15	Y
PA0101800	Lord Corporation P. O. Box 1050 Saegertown, PA 16433-1050	Saegertown Borough Crawford County	French Creek (Outfall 001) and Woodcock Creek (Outfalls 002 and 003) 16-A	Y
PA0239330	Coventina Day Spa, Inc. 10747 Route 19 Waterford, PA 16441	Waterford Township Erie County	UNT to LeBoeuf Creek 16-A	Y

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

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

PA0057622, Sewage, SIC 4952, **Richard E. Javage, Jr. and Julie Saft**, 241 and 261 Woodhill Lane, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Javage and Saft Residential STP.

The receiving stream, a UNT to Ridley Creek, is in the State Water Plan Watershed 3G and is classified for: HQ-TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Aqua PA Main System is located on Ridley Creek and is 2.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 mgd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids	10	20
NH ₃ as N (5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Fecal Coliform TRC	200/100 ml 0.5	1.2
Dissolved Oxygen	Monitor and Report	6.0 (Instantaneous Minimum)
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

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

1. AMR Submission.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Proper Sludge Disposal.

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

Application No. PA 0026549, Sewage, **City of Reading**, 815 Washington Street, Reading, PA 19601-3690. This facility is located in Reading City, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 28.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		24
Total Residual Chlorine	0.4		1.31
Color	186		465
Bis (2-Ethylhexyl) Pthalate		Report	
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	

The proposed final effluent limits for Outfall 001 for a design flow of 28.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	17	27	34
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Total Residual Chlorine	0.249		0.81
Color	186		465
Bis (2-Ethylhexyl) Pthalate		Report	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

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<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	

Schuylkill River TMDL

<i>Parameters</i>	<i>Concentration (mg/L)</i>
Total PCBs	<i>Monthly Average Report</i>

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 0261301, Sewage, **Airy View Heights, Inc.**, P. O. Box 248, Carlisle, PA 17013. This facility is located in Centre Township, **Perry County**.

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

The receiving stream, UNT Little Buffalo Creek, is in Watershed 12-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water of Pa. is located on the Susquehanna River, greater than 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.33220 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Total Residual Chlorine	0.08		0.25
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

<i>Parameter</i>	<i>Concentration (mg/L)</i>	<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Annual</i>
Ammonia-N	Report	Report
Kjeldahl-N	Report	Report
Nitrate-Nitrite as N	Report	Report
Total Nitrogen	Report	Report
Total Phosphorus	Report	Report
Net Total Nitrogen	XXX	0*
Net Total Phosphorus	XXX	0*

* 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 submitted to the Department.

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

The EPA waiver is not in effect.

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

PA0102041, Sewage, **Morrison Mobile Home Park**, 3352 Church Road, New Castle, PA 16101. This proposed facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Activity: A new NPDES permit replacing an existing NPDES discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the potable water supply is located on the Beaver River (Beaver Falls Municipal Authority) and is approximately 33 miles below point of discharge.

The receiving stream, the UNT to Big Run, is in Watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01365 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	11		22
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	
Total Residual Chlorine	1.4		3.2
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0002666, Industrial Waste. **Sonneborn, Inc.**, 575 Corporate Drive, Suite 415, Mahwah, NJ 07430-2330. This existing facility is located in Fairview Township, **Butler County**.

Description of Proposed Activity: New NPDES Permit for an existing discharge of treated industrial waste, treated stormwater and untreated stormwater from a producer of surface active agents. This is a major discharge.

The receiving water is South Branch Bear Creek. The receiving stream is in State Water Plan 17-C and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, PA American Water Company, is located on the Allegheny River and is approximately 20.4 miles below the point of discharge.

The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 007 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
Barium			XX		
pH			XX		

The proposed effluent limits for Outfall 010 based on a design flow of 0.472 mgd. Interim Limits.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅ (5-1 to 10-31)	46	91	13	26	32
(11-1 to 4-30)	91	182	26	52	65
TSS	175	350	50	150	150

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia Nitrogen (5-1 to 10-31)	4.6	9.1	1.3	2.6	3.25
(11-1 to 4-30)	13.7	27.3	3.9	7.8	9.75
Fecal Coliform (5-1 to 9-30)			200/100 ml as a Geometric Mean		
(10-1 to 4-30)			2,000/100 ml as a Geometric Mean		
Dissolved Oxygen			Shall be greater than 5 mg/l at all times		
Oil and Grease	52	105	15	30	50
Aluminum	2.3	4.6	XX	XX	
Iron, Total	5.2	10.3	XX	XX	
Manganese	4.0	8.0	1.0	2.0	2.5
Barium	11.7	23.4	3.4	6.7	8.3
Cadmium	0.0022	0.0045	0.00064	0.0013	0.0016
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Temperature	Average Daily				
January 1—31	58° F				
February 1—29	61° F				
March 1—31	69° F				
April 1—15	87° F				
April 16—30	110° F				
May 1—15	103° F				
May 16—31	110° F				
June 1—15	109° F				
June 16—30	103° F				
July 1—31	98° F				
August 1—31	95° F				
September 1—15	93° F				
September 16—30	87° F				
October 1—15	89° F				
October 16—31	79° F				
November 1—15	80° F				
November 16—30	71° F				
December 1—31	61° F				

The proposed effluent limits for Outfall 010 based on a design flow of 0.472 mgd. Final Limits.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅ (5-1 to 10-31)	46	91	13	26	32
(11-1 to 4-30)	91	182	26	52	65
TSS	175	350	50	150	150
Ammonia Nitrogen (5-1 to 10-31)	4.6	9.1	1.3	2.6	3.25
(11-1 to 4-30)	13.7	27.3	3.9	7.8	9.75
Fecal Coliform (5-1 to 9-30)			200/100 ml as a Geometric Mean		
(10-1 to 4-30)			2,000/100 ml as a Geometric Mean		
Dissolved Oxygen			Shall be greater than 5 mg/l at all times		
Oil and Grease	52	105	15	30	50
Aluminum	2.3	4.6	XX	XX	
Iron, Total	5.2	10.3	XX	XX	
Manganese	4.0	8.0	1.0	2.0	2.5
Barium	11.7	23.4	3.4	6.7	8.3
Cadmium	0.0022	0.0045	0.00064	0.0013	0.0016
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Temperature	Average Daily				
January 1—31	56° F				
February 1—29	49° F				
March 1—31	66° F				
April 1—15	81° F				
April 16—30	110° F				
May 1—15	97° F				

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
May 16—31			110° F		
June 1—15			105° F		
June 16—30			100° F		
July 1—31			96° F		
August 1—31			93° F		
September 1—15			91° F		
September 16—30			85° F		
October 1—15			87° F		
October 16—31			77° F		
November 1—15			76° F		
November 16—30			68° F		
December 1—31			59° F		

The proposed effluent limits for Outfall 021 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 022 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 023 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			15		30
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 024 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			XX		
Iron, Total			XX		

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Manganese			XX		
Aluminum			XX		
pH			XX		

The proposed effluent limits for Outfall 025 based on a design flow of n/a mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
Oil and Grease			XX		
Iron, Total			XX		
Manganese			XX		
Aluminum			XX		
pH			XX		

XX—Monitor and report.

The EPA waiver is not in effect.

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

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

WQM Permit No. 3909404, Sewerage, **Lehigh Carbon Community College**, 4525 Education Park Drive, Schnecksville, PA 18078-2598. This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of upgrades to the existing wastewater treatment facility that services Lehigh Carbon Community College. These upgrades include clarifiers, aerobic digesters and supporting equipment.

WQM Permit No. 6409401, Sewerage, **Central Wayne Regional Authority**, 100 Fourth Street, Suite 8, Honesdale, PA 18431. This proposed facility is located in Honesdale Borough, **Wayne County**.

Description of Proposed Action/Activity: This project consists of a sewer project to replace combined sewers in portions of Honesdale Borough with separate sanitary sewers and storm sewers.

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

WQM Permit No. 5609405, Sewerage, **Shade Central City Joint Authority**, 429 Sunshine Avenue, Central City, PA 15926. This proposed facility is located in Central City Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer line replacement.

WQM Permit No. 5670413-T3 A1, Sewerage, **Stonebridge Gardens, Inc.**, 132 Saddlebrook Road, Freidens, PA 15541. This existing facility is located in Quemahoning Township, **Somerset County**.

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

WQM Permit No. 0209402, Sewerage, **Stowe Township**, 555 Broadway Avenue, P. O. Box 414, McKees Rocks, PA 15136-0414. This proposed facility is located in Stowe Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer extension.

WQM Permit No. 5609406, Sewerage, **Jenner Area Joint Sewer Authority**, 102 Saylor Street, Jennerstown, PA 15547. This proposed facility is located in Boswell Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a force main.

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

WQM Permit No. 6107403, Sewerage, **Amendment No. 1, Country Acres Personal Care Home, Inc.**, 2017 Meadville Road, Titusville, PA 16354. This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Modifications include replacing the duplex submersible pumps, flow splitter box and coarse bubble diffusers in the equalization tank with a Geyser ejection pump with aerated fine screens.

WQM Permit No. 3309201, Sewerage, **Brookville Municipal Authority**, 18 Western Avenue, Suite A, Brookville, PA 15825. This proposed facility is located in Rose Township, Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: Construction of a new water treatment facility on North Fork Creek. Will replace an existing facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909005	Gorski Engineering, Inc. 1 Iron Bridge Drive Collegeville, PA 19426	Bucks	Milford Township	Molasses Creek HQ-TSF
PAI01 1509018	Avon Grove Charter School 110 East State Road West Grove, PA 19390-8908	Chester	Franklin Township	Big Elk Creek HQ
PAI01 1509019	Citadel Federal Credit Union P. O. Box 147 Thorndale, PA 19372	Chester	Willistown Township	Little Valley Creek EV Crum Creek HQ-CWF
PAI01 1509020	East Whiteland Township 209 Conestoga Road Frazer, PA 19355-1699	Chester	East Whiteland Township	Valley Creek EV
PAI01 4607003-A	Realin Valley Forge Greens Assoc. 1000 Chesterbrook Boulevard Berwyn, PA 19312	Montgomery	Upper Merion Township	Trout Creek WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904002R	Jeffrey Pidcock Parkwood Real Estate Trust, LLC 2451 Parkwood Drive Allentown, PA 18103	Lehigh	Salisbury Township City of Allentown	Little Lehigh Creek HQ-CWF
PAI023903020(1)	Salvatore Carlo Pulte Homes of PA, LP 1100 Northbrook Drive Trevose, PA 19053	Lehigh	South Whitehall and Upper Macungie Townships	Little Cedar Creek HQ-CWF

Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204003R	Milford Realty Building Assoc., LLC 26 Columbia Turnpike Florham Park, NJ 07932	Pike	Dingman Township	Saw Kill Creek EV

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033609003	David S. Stoltzfus 1027 Rock Springs Road Conowingo, MD 21918	Lancaster	Fulton Township	Little Conowingo Creek HQ-CWF

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

Cameron County Conservation District: 20 East Fifth Street, Room 105, Emporium, PA 15834, (814) 486-2244, Ext. 5.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041209001	Gregory Dovey, RA Department of General Services Bureau of Engineering and Architecture 18th and Herr Streets Harrisburg, PA 17125	Cameron	Grove Township	Upper Logue Run HQ-CWF UNT to Upper Logue Run HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI045909003	Robert Miller 486 Desing Road Liberty, PA 16930	Tioga	Liberty Township	Zimmerman Creek HQ-CWF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI064209001	Lantz Corners Sewer Project Hamlin Township P. O. Box 235 22 Park Road Hazel Hurst, PA 16733	McKean	Hamlin Township	UNT West Branch Clarion River CWF UNT South Branch Kinzua Creek HQ-CWF

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

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

CAFO Notices of Intent Received

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

Watershed Management Program, PAG122203, Heisler's Egg Farm, 757 Valley Road, Tamaqua, PA 18252.

The facility is a poultry operation maintaining a population of 255,000 layers. Animal weight is approximately 3.48 pounds each for a total of 887 animal equivalent units. The farm generates approximately 3,348 tons of manure on an annual basis that is mostly exported offsite. The farm consists of 46 tillable acres and is located in Walker Township, **Schuylkill County**. The receiving stream, Beaver Creek, is in Watershed 3A, Upper Schuylkill River and classified for HQ-CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and

compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

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. 6709503, Public Water Supply.

Applicant	Exelon Generation, Nuclear Peach Bottom Atomic Power Station
Municipality	Peach Bottom Township
County	York
Responsible Official	Garey Stathes, Plant Manager 1848 Lay Road Delta, PA 17314-0130
Type of Facility	Public Water Supply
Consulting Engineer	Robert J. Scholz, P. E. Peach Bottom Atomic Power Station 1848 Lay Road Delta, PA 17314-0139
Application Received	May 22, 2009
Description of Action	Zenon Ultra-filtration installation.

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

Permit No. 2609504, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033
Township or Borough	Brownsville Borough
Responsible Official	David Kaufman Vice President of Engineering Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033
Type of Facility	Water treatment plant

Consulting Engineer	
Application Received Date	April 29, 2009
Description of Action	Addition of Zinc Ortho Phosphate at the Brownsville Water Treatment Plant.

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

Application No. 3709503, Public Water Supply.

Applicant	Scottview Terrace MHP
Township or Borough	Scott Township Lawrence County
Responsible Official	Gary Cummings, Owner
Consulting Engineer	Brian K. Rogers, P. E. Frank B. Taylor Engineering 149 Taylor Drive New Castle, PA 16101
Application Received Date	May 28, 2009
Description of Action	Source disinfection, filtration and Iron and Manganese Treatment for Well No. 1 and Well No. 2, a permitted source. Serving the mobile home park.

MINOR AMENDMENT

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

Application No. 0209514MA, Minor Amendment.

Applicant	Monroeville Municipal Authority 219 Speers Lane Monroeville, PA 15146
Township or Borough	Monroeville Borough
Responsible Official	James Hunter, Superintendent Monroeville Municipal Authority 219 Speers Lane Monroeville, PA 15146
Type of Facility	Water storage tanks
Consulting Engineer	Chester Engineers 260 Airside Drive Moon Township, PA 15108
Application Received Date	May 18, 2009
Description of Action	Painting and rehabilitation of the Illilin and Foxwood water storage tanks.

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.

Miller Bros. Construction, Inc., 112 Claude A. Lord Boulevard, Pottsville City, **Schuylkill County**. Justin Shappell, United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Notice of Intent to Remediate (on behalf of his client, James L. Miller, P. O. Box 472, Schuylkill Haven, PA 17972), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a

release during the excavation of an underground storage tank, which exhibited visible holes. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is commercial. A summary of the Notice of Intent to Remediate was published in the *Pottsville Republican* and the *Evening Herald* on April 13, 2009. A Final Report was simultaneously submitted.

General Dynamics Land Systems, 175 East Street, Archbald Borough, **Lackawanna County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate (on behalf of his client, General Dynamics Land Systems, 175 East Street, Eynon, PA 18403), concerning the remediation of soils found to have been impacted by No. 2 fuel oil, waste oil, quench oil, coolants, hydraulic fluids and lubricants as a result of multiple releases, which occurred from March 1986 through October 1993. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The proposed future use of the property is industrial. A summary of the Notice of Intent to Remediate was published in *The Times-Tribune* on May 14, 2009. A Final Report was simultaneously submitted.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is for design enhancements to the permitted leachate recirculation system at the Tullytown Resource Recovery Facility Landfill, a municipal waste landfill located in Falls Township and Tullytown Borough, **Bucks County**. The application was received by the Southeast Regional Office on May 22, 2009.

Permit Application No. 101680. Waste Management Disposal Service of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is for extending the hours of operation to be from 2 a.m. to 8 p.m., Monday through Saturday at the G.R.O.W.S. North Landfill, a municipal waste facility located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on May 21, 2009.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the

owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

PLAN APPROVALS

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

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

59-00004D: Ward Manufacturing, LLC (117 Gulick Street, Blossburg, PA 16912) to construct a tumblast machine in Blossburg Borough, **Columbia County**.

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

10-028I: Armstrong Cement and Supply Corp. (100 Clearfield Road, Cabot, PA 16023) for a plan approval to install new burner systems on both cement kilns located at their facility in Winfield Township, **Butler County**. This is a Title V facility, Permit No. 10-0028.

10-359A: Rex Energy I, LLC (476 Rolling Ridge Drive, Suite 300, State College, PA 16801) for construction of a natural gas stripping plant at their facility in Forward Township, **Butler County**.

20-145B: Pittsburgh Glass Works, LLC (P. O. Box 800, Kebert Industrial Park, Meadville, PA 16335) for the installation of 32 replacement burners in Glass Melting Furnace No. 2 (Source ID 102) at their facility in Greenwood Township, **Crawford County**. This is a Title V facility.

61-191B: Seneca Printing & Label, Inc. (1642 Debence Drive, Franklin, PA 16323) for installation of five flexographic printing presses at their facility in Sandy Creek 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.

40-328-006: UGI Development Company (P. O. Box 224, 390 Route 11, Hunlock Creek, PA 18621) for construction and operation of the following in Hunlock Township, **Luzerne County**:

- Two GE LM6000 PC-Sprint CTGs (designated as Units 5 and 6).
- Two supplementary natural gas-fired HRSGs with separate exhaust stacks (one for each Combustion Turbine ("CT"))
- Use of existing STG (steam turbine generator)
- Nominal 500,000-gallon capacity low sulfur distillate storage tank
- A natural gas-fired package boiler (< 50 mmBtu/hr) to provide heat to the existing administration building and related plant facilities
- Nominal 10,000-gallon capacity aqueous ammonia storage tank
- Demineralized water storage tank, nominally 150,000-gallon capacity

The proposed emission control systems are CO oxidation catalyst and selective catalytic reduction ("SCR") systems.

The source main emissions for the new facility are NO_x, CO and VOC. The facility limits for these pollutants and control technology for these pollutants are as follows:

<i>Pollutant</i>	<i>Control Level</i>	<i>Control Technology</i>	<i>Emission Limitation</i>
NOx	State BAT	<ul style="list-style-type: none"> • Water Injection • Selective Catalytic Reduction 	<ul style="list-style-type: none"> • 2.5 ppmvd at 15% O₂—Natural gas, normal operation • 2.9 ppmvd at 15% O₂—Natural gas, with duct-firing, normal operation • 8.0 ppmvd at 15% O₂—low sulfur distillate, normal operation • 8.5 ppmvd at 15% O₂—low sulfur distillate with duct-firing, normal operation
CO	State BAT	<ul style="list-style-type: none"> • Oxidation Catalyst • Good Combustion Practices 	<ul style="list-style-type: none"> • 4.0 ppmvd at 15% O₂—Natural gas, normal operation • 10.0 ppmvd at 15% O₂—Natural gas, normal operation. Temperature < 32° F • 6.0 ppmvd at 15% O₂—low sulfur distillate, normal operation
VOC	State BAT	<ul style="list-style-type: none"> • Good Combustion Practices • Oxidation Catalyst 	<ul style="list-style-type: none"> • 1.20 ppmvd at 15% O₂—Natural gas, normal operation • 4.0 ppmvd at 15% O₂—Natural gas, normal operation. Temperature < 32° F • 1.30 ppmvd at 15% O₂—low sulfur distillate, normal operation
PM10	State BAT	<ul style="list-style-type: none"> • Good Combustion Practices • Clean Fuels 	<ul style="list-style-type: none"> • 0.0141 lb/mmBtu at 15% O₂—Natural gas, normal operation • 0.066 lb/mmBtu at 15% O₂—low sulfur distillate, normal operation
SO ₂	State BAT	<ul style="list-style-type: none"> • Good Combustion Practices • Clean Fuels 	<ul style="list-style-type: none"> • 0.0030 lb/mmBtu at 15% O₂—Natural gas, normal operation • 0.0510 lb/mmBtu at 15% O₂—low sulfur distillate, normal operation
H ₂ SO ₄	State BAT	<ul style="list-style-type: none"> • Good Combustion Practices • Clean Fuels 	<ul style="list-style-type: none"> • 0.0009 lb/mmBtu at 15% O₂—Natural gas, normal operation • 0.0200 lb/mmBtu at 15% O₂—ow sulfur distillate, normal operation

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. Also, the company shall be required to monitor and record emissions on a continuous basis by use of a Continuous Monitoring System

Additionally a PSD and NSR applicability analysis was conducted to determine if the Project would result in a significant net increase of any regulated pollutant. This analysis took into account emission increases attributable to the installation of new equipment, specifically the combustion turbines/duct burners, auxiliary steam boiler, and the low sulfur distillate storage tank and emission decreases associated with the shutdown of Unit No. 6, the existing coal-fired boiler. The analysis has determined that the facility will not have to comply with PSD or NSR regulations. UGID has filed the appropriate Emission Reduction Credit (ERC) forms for the Boiler No. 6 and the netting analysis and ERC have been incorporated into the plan approval.

This facility is a Title V facility. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

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

01-05035A: Tucker Industrial Liquid Coatings, Inc. (407 North Avenue, East Berlin, PA 17316) for construction of three spray paint booths with dry panel filters for control of PM emissions at their spray painting job shop (North Avenue Facility) in East Berlin Borough, **Adams County**. The sources have the potential-to-emit 27.9 tons

VOC per year and 17.7 tons toluene per year. The facility is subject to 40 CFR Part 63, Subpart M—National Emission Standards for HAPs: Surface Coating of Miscellaneous Metal Parts and Products. The plan approval and subsequent Title V operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

08-00003H: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) for proposed modification of control devices for Line II Press (Source ID 172P) at their facility in Wysox Township, **Bradford County**. The modification of the control devices is the second step of two that are proposed to reduce HAP emissions to comply with 40 CFR Part 63, Subpart D—National Emission Standards for HAPs: Plywood and Composite Wood Products. The respective facility is a major facility for which a Title V operating permit (08-00003) has been issued. The emissions limitations for VOCs and total HAPs will remain the same and the actual emissions will be decreased to come into compliance with these limitations.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the proposed sources and control devices will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the requirements of 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41. Based on this finding, the Department intends to issue a plan

approval for the proposed modification. Conditions in Plan Approval 08-00003F and Title V operating permit 08-00003 will remain in effect unless superseded or amended by this plan approval. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. This condition supersedes Section D, Source ID 172P Condition No. 002 of Title V Operating Permit 08-00003. Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.12b and 127.211.

The VOC emissions from the chevron mist eliminator (ID C172D) (hood emissions) associated with the Line 2 Press (Source ID 172P) shall not exceed 28.4 tons (total molecular weight basis) in any 12-consecutive month period.

2. This condition supersedes Section D, Source ID 172P Condition No. 003 of Title V Operating Permit 08-00003.

Additional authority for this permit condition is derived from 25 Pa. Code § 127.513.

If approved by the Department, the VOC stack test results from the Line 2 Press (Source ID 172P, both hood and cavity steam emissions) and Line 2 Refiner and 1st Stage Dryers (Source ID 142P) shall be used to verify compliance with the 12-consecutive month VOC emission limitation. If the results are not approved by the Department, VOC stack testing shall be reperformed on Source ID 172P within 180 days of receiving the notification of denial using test methods and procedures approved in advance by the Department.

3. This condition supersedes Section D, Source ID 172P Condition No. 012 of Title V Operating Permit 08-00003. Additional authority for this permit condition is derived from 25 Pa. Code § 127.511.

(a) The permittee shall keep records of the following:

(1) Supporting calculations used to verify compliance with the PM emission limitation from the exhaust associated with Source ID 172P and the combined exhaust of Source ID 172P and Source ID 142P.

(2) The permittee shall record the pressure differential across the chevron mist eliminator (Control Device ID C172D) at least once each operating shift:

(b) These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

4. This condition supersedes Section D, Source ID 172P Condition No. 014 of Title V Operating Permit 08-00003.

The permittee shall keep records of the amount of VOCs emitted each month from both the Line 2 Press and the Line 2 Refiners and 1st Stage Dryers (Source ID 142P), including supporting calculations; the records shall also show compliance with the VOC emission limitations of 28.4 and 12.6 tons in any 12-consecutive month period.

These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

5. This condition supersedes Section D, Source ID 172P Condition No. 016 of Title V Operating Permit 08-00003. Additional authority for this permit condition is derived from 25 Pa. Code § 127.442.

The permittee shall submit semiannual reports of the monthly VOC emissions from the Line 2 Press (hood and cavity steam emissions), including supporting calculations; the reports shall also verify compliance with both of the 12-consecutive month VOC emission limitations.

The semiannual reports shall be submitted to the Department no later than March 1 (for January through December of the previous year) and September 1 (for July of the previous year through June of the current year).

6. This condition supersedes Section D, Source ID 172P Condition No. 019 of Title V Operating Permit 08-00003.

(a) Source ID 172P is a Washington Iron Works hardboard press (Line 2).

(b) The air contaminant emissions from the Line 2 Press (hood emissions) of Source ID 172P shall be controlled by a DR Technology quencher (Control Device ID C172A), a Koch/DR Technology tray scrubber (Control Device ID E61), a DR Technology high energy variable throat venturi scrubber (Control Device ID E62) and a chevron mist eliminator (Control Device ID C172D) operating in series. The air contaminant emissions from the Line 2 Press (cavity steam emissions) of Source ID 172P shall be controlled by a steam condenser (ID COND) with accumulator tanks, followed by a 12' by 12' by 12' water dropout box followed by a Durr Systems, Inc. model RL rotary valve regenerative thermal oxidizer (RTO) (Control Device ID C142), operating in series.

7. This condition supersedes Section D, Source ID 142P Condition No. 002 of Plan Approval 08-00003F. Under the requirements of 25 Pa. Code §§ 127.12b and 127.211 and the emission reduction provisions of 25 Pa. Code § 127.207, the VOC emissions from the Line 2 Press (cavity steam emissions) and the line II pressurized refiners and first stage dryers and associated RTO (Control Device ID C142) shall not exceed 12.6 tons in any 12-consecutive month period (as propane by Method 25A). This limit may be revised based upon the results of the stack testing required in this plan approval.

8. By October 1, 2009, the permittee shall perform stack testing on both exhausts of the Line 2 Press and associated control devices (Control Device IDs C172D and C142) to demonstrate compliance with the VOC emission limitations contained in this plan approval. VOC stack testing shall also be performed at the inlets of the RTO to determine the ratio of the inlet Source ID 142P (Line Refiners and 1st Stage Dryers) emissions to the total inlet RTO emissions. The inlet emissions ratio shall be used to determine the VOC emissions from Source ID 142P emitted to the atmosphere. The inlet Source ID 142P emissions is defined as all VOC emissions exhausted to the RTO, except the VOC emissions from the Line 2 Press.

The permittee shall also perform stack testing that verify the total HAP emissions from the exhausts of the Line 2 Press and associated control devices comply with the limitation of 20 ppmvd as carbon dry basis (by Method 25A), or that the total HAPs are being reduced by at least 90% by the control devices. Stack testing shall be performed in accordance with the applicable provisions of

25 Pa. Code Chapter 139 (relating to sampling and testing) and 40 CFR Part 63, Subpart DDDD using test methods and procedures approved by the Department. Testing must be performed under representative operating conditions as defined in 40 CFR Part 63, Subpart DDDD. The testing performed on the RTO stack (Control Device C142) may be the same as that required by Plan Approval 08-00003F and shall comply with it.

VOC stack testing shall be performed at the inlets of the RTO to determine the ratio of the inlet Source ID 142P (Line Refiners and 1st Stage Dryers) emissions to the total inlet RTO emissions. The inlet emissions ratio shall be used to determine the VOC emissions from Source ID 142P emitted to the atmosphere. The inlet Source ID 142P emissions is defined as all VOC emissions exhausted to the RTO, except the VOC emissions from the Line 2 Press.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

14-00039A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for construction of a Kolberg portable crushing and screening plant and associated 400 horsepower diesel engine, construction of a Nordberg portable crushing plant and associated 425 horsepower diesel engine, construction of a Warrior portable screening plant and associated 100 horsepower diesel engine, construction of a Powerscreen Commander portable screening plant and associated 97 horsepower diesel engine, and seven conveyors at the Recycling Center in Patton Township, **Centre County**. This is a State-only facility.

The Department of Environmental Protection's (Department) review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The emissions from the Kolberg portable crushing and screening plant will not exceed 3.41 tons of PM₁₀, 10.38 tons of NO_x, 2.58 tons of CO, 3.59 tons of SO_x and 0.57 ton of nonmethane hydrocarbons per year. The emissions from the Nordberg portable crushing plant will not exceed 1.99 tons of PM₁₀, 16.81 tons of NO_x, 4.51 tons of CO, 3.81 tons of SO_x and 1.00 ton of nonmethane hydrocarbons per year. The emissions from the Warrior portable screening plant will not exceed 1.97 tons of PM₁₀, 4.56 tons of NO_x, 0.44 ton of CO, 1.67 tons of SO_x and 0.13 ton of nonmethane hydrocarbons per year. The emissions

from the Powerscreen Commander portable screening plant will not exceed 1.73 tons of PM₁₀, 6.09 tons of NO_x, 1.23 tons of CO, 0.18 ton of SO_x and 0.26 ton of nonmethane hydrocarbons per year. The emissions from the seven conveyors will not exceed 1.24 tons of PM₁₀ per year. The total combined emission from all sources at this facility will not exceed the following limits in any 12-consecutive month period: NO_x 37.84 tons; CO 8.76 tons; SO_x 9.25 tons; VOCs 1.96 tons; PM₁₀ 10.34 tons.

In addition to the emission limitations, the following includes the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12.

Work practice requirements to install and operate the sources and control devices with good air pollution control practices.

Control of fugitive particulate emissions by mechanical means, such as truck tarping and establishment of maximum drop heights of crushed material.

Control of fugitive emissions by wetting of crushed material and wetting of surfaces such as roads and stock piles.

Control of fugitive emission from the Nordberg and Kolberg crushers and Powerscreen Commander screening plant by requirement of water-spray dust suppression systems.

Recordkeeping and reporting conditions to verify compliance with the emission limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

20-301A: Universal Well Services, Inc. (13549 South Mosiertown Road, Meadville, PA 16335) for a plan approval to authorize the applicant to operate a truck paint booth, as described in the applicant's application of November 25, 2008 in Vernon Township, **Crawford County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in Vernon Township, Crawford County. This plan approval will authorize the applicant to operate a truck paint booth, as described in the applicant's application of November 25, 2008. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The VOC emissions from the surface coating operation will be restricted to 4.7 tpy based on a 12-month rolling total. The permittee is required to comply with the

surface coating regulations in 25 Pa. Code § 129.52. The facility will keep a record of the VOC emissions from the source each month.

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

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 20-301A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

62-176A: Allegheny Pellet Corp. (1055 Matthews Run Road, Youngsville, PA 16371) for installation of a rotary sawdust/wood chip dryer and associated multi-clone at their facility in Brokenstraw Township, **Warren County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 62-176A to Allegheny Pellet Corp. for the installation of a rotary sawdust/wood chip dryer and associated multi-clone at their facility at 1055 Matthews Run Road, Brokenstraw Township, Warren County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 62-176A is for the installation of a 22.0 mmBtu/hr wood-fired rotary sawdust/wood chip dryer and associated multi-clone control device, which will be used in the manufacture of wood pellet fuel. Based on the information provided by the applicant and the Department's own analysis, the proposed source will emit a maximum of 57.8 tons of CO, 24.1 tons of NO_x, 16.4 tons of VOCs, 15.7 tons of PM and 2.4 tons of SO_x per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 62-176A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

OPERATING PERMITS

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

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

S06-010: Model Finishing, Inc. (4949 Cottman Avenue, Philadelphia, PA 19135) for operation of a pharmaceutical packaging and labeling facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two spray booths, one power coating line, two powder coating booth, one vapor degreaser, miscellaneous solvent cleaning, one 0.8 mmBtu/hr bake oven, one 1.6 mmBtu/hr water heater, one 0.5 mmBtu/hr drying oven, one 1.6 mmBtu/hr conveyor oven and one 2.5 mmBtu/hr powder bake oven.

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

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice

will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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

65-00065: Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425-6412) for renewal of the 2004 synthetic minor operating permit for their sand and gravel plant in Lower Burrell City, **Westmoreland County**.

65-00143: Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425-6412) for renewal of the 2004 synthetic minor operating permit for their Torrance Quarry plant in Derry Township, **Westmoreland County**.

65-00807: Hanson Aggregates PMA, Inc. (2200 Springfield Pike, Connellsville, PA 15425-6412) for renewal of the 2004 synthetic minor operating permit for their Whitney Quarry plant in Unity Township, **Westmoreland County**.

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

20-00979: National Fuel Gas Supply Corp.—Carter Hill Station (12146 Follette Road, Wattsburg, PA 16442) for a Natural Minor Permit to operate a natural gas compressor station and gas processing plant located in Wayne Township, **Erie County**.

33-00175: Matson Lumber Co. (1065 Route 322, Brookville, PA 15825) for a Natural Minor Permit to operate a lumber processing plant in Union Township, **Jefferson County**. The significant sources included: 1) one 400 hp wood fired boiler; 2) two oil/natural gas fired standby boilers; and 3) miscellaneous natural gas usage. The facility is natural minor because the emissions are less than the Title V threshold limits.

62-00093: Torpedo Specialty Wire, Inc. (7065 Route 27, Pittsfield, PA 16340-9802) to issue a renewal of the State-only Operating Permit for their wire plating facility in Pittsfield Township, **Warren County**. The facility is a Natural Minor. The primary sources at the facility include eight nickel plating lines and a VOC parts cleaning station. The facility is subject to the Area Source MACT for Plating and Polishing Operations in 40 CFR 63, Subpart WWWWWW.

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.

When 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 fac-

tors 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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: 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.

63723707 and NPDES Permit No. PA0215520, Maple Creek Mining, (279 Shannon Road, Monongahela, PA 15063), to renew the permit and related NPDES permit and to revise the permit the Ginger Hill Refuse Area II in Nottingham and Carroll Townships, **Washington County** to add a coal preparation plant at the refuse site. No additional discharges. Application received March 10, 2009.

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

56960110 and NPDES No. PA0234281. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to change land use from woodland to cropland in Brothersvalley Township, **Somerset County**, affecting 312.2 acres. Receiving streams: UNT to/and Bluelick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 20, 2009.

56040102 and NPDES No. PA0249564. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting

51.3 acres. Receiving streams: UNTs to/and Swamp Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 26, 2009.

11830108 and NPDES No. PA0605972. L & J Energy Company, Inc., P. O. Box I, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface auger mine in Susquehanna Township, **Cambria County**, affecting 183.4 acres. Receiving streams: UNTs to/and West Branch Susquehanna River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2009.

32090102 and NPDES No. PA0262811. AMFIRE Mining Company, LLC, One Energy Place, Suite 2800, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 274.0 acres. Receiving streams: UNTs to/and Yellow Creek; UNTs to/and Ferrier Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Homer City Water Authority. Application received May 21, 2009.

32010105 and NPDES No. PA0248975. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, revision of an existing bituminous surface and auger mine in Center and Blacklick Townships, **Indiana County**, affecting 171.4 acres. Receiving streams: UNTs to/and Aultman Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received May 27, 2009.

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

16940103 and NPDES Permit No. PA0211974. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255). Renewal of an existing bituminous surface strip, tippie refuse disposal, coal ash placement and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 764.0 acres. Receiving streams: UNTs to the Allegheny River, classified for the following use: WWF; UNT to the Clarion River, classified for the following use: CWF; and Dunlap Creek, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is West Freedom Water Company. Application for reclamation only. Application received May 22, 2009.

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

17803094 and NPDES No. PA0127086. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), permit renewal for the continued operation and restoration of a bituminous surface, auger mine in Goshen Township, **Clearfield County**, affecting 295.0 acres. Receiving stream: Little Trout Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 5, 2009.

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

19930101R3. Burnrite Coal Company, (231 Thomas Road, Elysburg, PA 17824), renewal of an existing anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 556.1 acres, receiving stream: none. Application received May 22, 2009.

54813011T2. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), transfer of an existing anthracite surface mine operation from EOJ, Inc. and correction to increase the acreage from 344.9 acres to 497.5 acres in Blythe and East Norwegian Townships, **Schuylkill County**, receiving stream: Schuylkill River, classified for the following use: CWF. Application received May 22, 2009.

40-305-006GP12. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40850203C4 in Newport Township, **Luzerne County**. Application received May 26, 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.

28990301 and NPDES No. PA0223981. Fayetteville Contractors, Inc., P. O. Box 610, Fayetteville, PA 17222, renewal of NPDES permit in Antrim Township, **Franklin County**, affecting 20.9 acres. Receiving streams: UNTs to/and Muddy Run, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 30, 2009.

6875SM3 and NPDES No. PA0612383. Eastern Industries, Inc., 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454, renewal of NPDES permit in Armagh Township, **Mifflin County**, affecting 103.6 acres. Receiving streams: UNTs to/and Honey Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 20, 2009.

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

08970302 and NPDES No. PA0237868. Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES permit in Sheshequin

Township, **Bradford County**. Receiving stream: Susquehanna River, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received April 1, 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 Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1042. Aqua PA, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489, Lower Providence Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following Water Obstruction and Encroachment activities in the 100-year floodway of the Perkiomen Creek (WWF) associated with the proposed improvements to the existing Perkiomen pumping station:

1. To replace the existing building with a new facility to house the pumps.
2. To construct and maintain two 24 inch diameter water intake structures and associated intake screens.
3. To construct and maintain an outfall structure and a by-pass channel downstream of the isolation gate.

The site is located in the proximity of Wetherills Dam and near the intersection of Pawlings and Old Mill Roads (Valley Forge, PA USGS Quadrangle N: 22.25 inches; W: 10.00 inches).

E23-345. Marple Associates, LP, 1604 Walnut Street, 4th Floor, Philadelphia, PA 19103, Marple Township **Delaware County**, United States Army Corps of Engineers, Philadelphia District.

Project Description:

To extend and maintain the existing 340-foot long, 18-foot wide and 9-foot rise concrete box culvert across Langford Run (WWF, MF), approximately 30 feet on the upstream side associated with the construction of new Langford Run Road. This work also includes the construction and maintenance of the associated concrete head wall and wing walls.

This project connects West Chester Pike (SR 0003) and Langford Road located in Marple Township, Delaware County (Lansdowne, PA USGS Quadrangle N: 18.0 inches; W: 13.0 inches).

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

E05-352: Community Foundations for the Alleghenies, 116 Market Street, Suite 4, Johnstown, PA 15901, Shobers' Run Channel Relocation and Restoration Project, Bedford Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To relocate and maintain an approximately 2,210-foot channel of Shobers Run (HQ-CWF) for the purpose of restoring the eroding banks located at a point 0.50 mile downstream of the Bedford Spring Resort (Rainsburg, PA Quadrangle N: 22.56 inches; W: 0.55 inch, Latitude: 39° 59' 57"; Longitude: 78° 30' 14") and continuing downstream to point 300 feet upstream of the Elk Country Club (Everett West, PA Quadrangle N: 0.53 inch; W: 17.50 inches, Latitude: 40° 00' 11"; Longitude: 78° 29' 60") in Bedford Township, Bedford County.

E31-214: Shoup's Run Watershed Association, 976 Dudley Road, Six Mile Run, PA 16679, Green Garden Road Acid Mine Drainage Treatment Facility, Carbon Township, **Huntingdon County**, United States Army Corps of Engineers, Baltimore District

To construct and maintain a 510-foot long rock revetment along the right bank, two limestone cells, three stilling basins impacting 0.067 acre of a forested wetland, and related improvements along the floodway and floodplain of Shoup Run (WWF) in order to improve the acid mine discharge located along the area bounded by Green Garden Road and PA 913 (Saxton, PA Quadrangle N: 14.63 inches; W: 6.0 inches, Latitude: 40° 12' 20"; Longitude: 78° 10' 05") in Carbon Township, Huntingdon County.

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

E04-328. Richard Jericho, 130 Chiccarello Drive, Clinton, PA 15026. To construct an outfall structure, in Hanover Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Burgettstown, PA Quadrangle N: 20.7 inches; W: 4.75 inches, Latitude: 40° 29' 17"; Longitude: 80° 24' 33"). The applicant proposes to construct and maintain a 4 foot by 3 foot wide outfall structure on the right bank of a UNT to Traverse Creek (HQ-CWF) for the purpose of replacing an onlot septic system. The project is located approximately 250.0 feet downstream from Chiccarello Drive, Clinton, PA.

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

E20-573A. Sharon Rice. Bloomfield Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District.

To amend existing permit E20-573 which allowed construction and maintenance of a 65 ft. long by 32 in. wide walking deck connected to a 20 ft. by 4 ft. private boat dock on Canadohta Lake, across the street from 24448 Willow Street (Canadohta Lake, PA Quadrangle N: 41° 49' 00"; W: 79° 50' 3.45"), Bloomfield Township, Crawford County, approximately 100 ft. south of the intersection of Willow Street and Lakeview Drive in Bloomfield Township, Crawford County. The deck and dock will be raised approximately 2 ft. above normal summer lake pool elevation. The amendment requests construction and maintenance of an 80 ft. long by 48 in. wide dock connected to a 20 ft. by 6 ft. private dock.

E20-576, Linesville Pine Joint Municipal Authority. Regional Sewage Facilities Project, in the Borough of Linesville and Pine Township, **Crawford County**, United

States Army Corps of Engineers, Pittsburgh District (Pittsburgh, PA Quadrangle N: 41° 39' 22.5"; W: 80° 25' 25.7").

The applicant proposes to rehabilitate a portion of the Linesville Borough sewer system, install 59,100 linear feet of gravity sanitary sewers, 22,000 linear feet of low pressure force main and 6,250 linear feet of pump station force main in Pine Township and currently unsewered areas of Linesville Borough, construct a new regional wastewater treatment facility and associated lift stations involving to construct and maintain: 1) 18 sewer line stream crossings of Linesville Creek and UNTs Pymatuning Reservoir; 2) 18 wetland crossings of PEM, PSS and PFO wetlands; 3) a storm sewer outfall to Linesville Creek; 4) a sewage treatment plant effluent outfall to Pymatuning Reservoir; 5) to fill 0.13 acre of PSS wetland and to construct and maintain a lift station within the floodplain of a UNT Pymatuning Reservoir (N: 41° 39' 26.5"; W: 80° 27' 38.8"); and 6) to fill 0.04 acre of PEM wetland and construct and maintain a lift station (N: 41° 39' 17.5"; W: 80° 25' 16"). Linesville Creek is a perennial stream classified as a WWF. Pymatuning Reservoir is a perennial body of water classified as a WWF. This project proposes to permanently impact 0.04 acre of PEM wetland and 0.0.13 acre of PSS wetland.

E27-084, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110. Bridge SGL 24, Green Township, **Forest County**, United States Army Corps of Engineers, Pittsburgh District (West Creek, PA Quadrangle N: 41° 26' 7"; W: 79° 13' 45").

Thirty foot new steel I-beam bridge over McDonald Run. The applicant proposes to construct a bridge consisting of concrete abutments, a steel I-beam superstructure and a timber deck over McDonald Run along Game Lands Road in State Game Lands No. 24 with a 30' span and 14' width. McDonald Run is classified as a CWF.

E33-236, Brookville Borough, 18 Western Avenue, Suite A, Brookville, PA 15825-1540. Membrane Water Treatment Facility, Borough of Brookville and Rose Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Brookville, PA Quadrangle N: 41° 10' 19"; W: 79° 04' 34").

The applicant proposes to construct a 1.5 mgd water treatment facility involving to construct and maintain a water intake structure on North Fork Creek consisting of two 1.15' diameter screened stainless steel intake pipes, concrete debris deflector and a water line crossing of a UNT of North Fork Creek approximately 1,000' upstream of Brookville Waterworks Dam (D33-003). Project includes stormwater outfalls to North Fork Creek. North Fork Creek and UNT North Fork Creek are perennial streams classified as HQ-CWF.

E43-347, Norfolk Southern Corporation, 99 Spring Street, SW Atlanta, GA 30303-0142. Bridge MI-130.35, in Hempfield and West Salem Townships, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District (Greenville West, PA Quadrangle N: 41° 23' 02"; W: 80° 23' 36").

To remove the existing superstructure and support pier and to construct and maintain a three span, through-plate-girder railroad bridge (Bridge MI-130.35) having a three clear spans of 105.0 feet, 42.0 feet and 105.0 feet respectively and a maximum underclearance of approximately 16.0 feet across the Shenango River approximately 2,000 feet NW of the intersection of Hamburg and Methodist Roads. Project includes: 1) repair of existing abutments; 2) construction of a temporary stone causeway and bents temporarily impacting approximately 0.248 acre of the Shenango River and associated back channel and scour pool; 3) permanent impact of 0.009 acre of the Shenango River and 0.005 acre of Shenango River back channel; and 4) impact of 0.011 acre of PEM wetland. The Shenango River is a perennial stream classified as a WWF.

E43-348, City of Sharon, Municipal Building, 155 West Connelly Boulevard, Sharon, PA 16146. SR 62/Budd Street Stormwater Outfall to Shenango River, in City of Sharon, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District (Sharon West, PA Quadrangle N: 41° 13' 38"; W: 80° 30' 31").

To construct and maintain a 60 inch diameter spiral rib CMP storm sewer outfall with concrete endwall and rock riprap outlet protection along the left (east) bank of the Shenango River approximately 78 feet north of the SR 0062 bridge over the existing Norfolk Southern railroad tracks conveying stormwater runoff from the East Budd Street/South Dock Street (SR 0060) area.

ENVIRONMENTAL ASSESSMENTS

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

D48-166EA, Saucon Creek Sportsman Association, 2389 Easton Road, Bethlehem PA, 18015-5922. Lower Saucon Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

Project proposes to breach and remove Lower Saucon Sportsmans Dam across East Branch Saucon Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 feet of stream channel. The dam is located approximately 400 feet Northwest of the intersection of Easton (SR 2006) and Ringhoffer Roads (T400) (Hellertown, PA Quadrangle Latitude: 40° 36' 28"; Longitude: 75° 18' 10").

ACTIONS

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084051 (Sew)	Charles Lupfer—Creekview Farms Mobile Home Park 280 Airy View Road Shermansdale, PA 17090	Perry County Carroll Township	Shermans Creek 7-A	Y
PA0008435 (IW)	PPL Holtwood, LLC 2 North Ninth Street Allentown, PA 18101-1179	Lancaster County Martic Township	Susquehanna River 7-K	Y
PA0082791 (IW)	Chester County Solid Waste Authority 7224 Division Highway Narvon, PA 17555-9505	Lancaster County Caernarvon Township	Conestoga River 7-J	Y
PA0082481 (IW)	Municipal Authority of the Borough of Lewistown 70 Chestnut Street Lewistown, PA 17044-2216	Mifflin County Armagh Township	Laurel Creek 12-A	Y
PA0082279 (Sew)	Spring Creek Joint Sewer Authority P. O. Box 373 Three Springs, PA 17264	Huntingdon County Clay Township	Three Springs Creek 12-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0028711 Sewage	Peters Township Sanitary Authority 3244 Washington Road McMurray, PA 15317-3153	Washington County Peters Township	Brush Run	N

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. PA0052221, Industrial Waste, **Exelon Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Exelon Bradshaw Reservoir into the East Branch Perkiomen Creek in Watershed 3E.

NPDES Permit No. PA0052493, Sewage, **Florence A. Coleman**, 168 Cheese Factory Road, Doylestown, PA 18901. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Vintage Grille STP into a UNT to North Branch Neshaminy Creek in Watershed 2F.

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

NPDES Permit No. PA0065251, Sewage, **His Camps, Inc.**, R. R. 1, Box 1601, Hallstead, PA 18822. This proposed facility is located in Liberty Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

NPDES Permit No. PA0053147, Sewage, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. This existing facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Activity: Renewal of a major NPDES permit to discharge treated sewage. The final effluent limits for Total Copper (Months 37—60) are: 0.031 mg/l monthly average, 0.049 mg/l maximum daily and 0.062 mg/l instantaneous maximum, which reflects a minor revision to the draft limits published at 39 Pa.B. 857 (February 14, 2009).

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

NPDES Permit No. PA0020664, Amendment No. 1, Sewage, **Middletown Borough Authority**, 60 West Emaus Street, Middletown, PA 17057-1499. This proposed facility is located in Middletown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-C.

NPDES Permit No. PA0021890, Sewage, **New Holland Borough**, 436 East Main Street, New Holland, PA 17557. This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Mill Creek in Watershed 7-J.

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

NPDES Permit No. PA0253961, Sewerage, **L & T Enterprises, LLC**, 729 North Church Street, Mount Pleasant, PA 15666. This proposed facility is located in Donegal Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for construction and operation of a sewage treatment plant to serve a proposed hotel development.

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

NPDES Permit No. PA0238571, Sewage, **Rhett Walls d/b/a Pinehurst Manor Mobile Home Park**, 907 Rockdale Road, Butler, PA 16002-8856. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new minor NPDES permit replacing an expired 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. 4009404, Sewerage, **Wyoming Valley Sanitary Authority**, P. O. Box 33, Wilkes-Barre, PA 18703. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Action: Issuance of Water Quality Management Permit. The project is for modifications and upgraded to the existing wastewater treatment plant facility to comply with total nitrogen and total phosphorus effluent limitation.

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

WQM Permit No. 0771402, Amendment 09-1, Sewage, **Borough of Tyrone**, 1100 Logan Avenue, Tyrone, PA 16686. This proposed facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Permit amendment approval for the modifications/operation of sewerage facilities consisting of: Installation of one 5,400-gallon double walled polyethylene tank and five concrete tank mounting pad and piping provisions to add up to five tanks in the future. Install chemical feed lines to aeration distribution chamber and final clarifier distribution chamber for phosphorus removal.

WQM Permit No. 0509405, Sewage, **Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522. This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction of facilities consisting of: approximately 17,300' of gravity sewer, 24,800' of force main, 9,425' of low pressure sewer piping, 74 grinder pumps, six new pump stations and all other related appurtenances to serve 194 homes in Area II Sewer Service of the Township.

WQM Permit No. 0509404, Sewage, **Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522. This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction of facilities consisting of: Construction of approximately 19,800' of gravity sewers and related appurtenances to serve 61 homes in the Belden Area (Area III) of the Township.

WQM Permit No. 3109401, Sewage, **Spring Creek Joint Sewer Authority**, P. O. Box 373, Three Springs, PA 17264. This proposed facility is located in Clay Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement of the existing raw wastewater pumps with new pumps and control and replace the existing screen basket in the wet well with a new 1/4" fine screen. Construct two new 114,000-gallon Sequencing Batch Reactors, a new Chlorination/Dechlorination/Post aeration tank, two new 3,500 square feet Reed Beds for sludge dewatering and a new 12" diameter outfall to Three Springs Creek. Convert the existing aeration tanks into two aerobic digesters and reuse the existing raw wastewater pumps as sludge transfer pumps. The existing digester will be abandoned. Also, convert one existing garage bay into a Chemical building to house feed system for Chlorination, Dechlorination and Alum. The existing plastic media sludge drying beds will be converted into a sludge loading station. Addition of a 20' by 20' room to the existing control building and demolish the existing clarifiers.

WQM Permit No. 3186401, Sewage, **Borough of Huntingdon**, 530 Washington Street, P. O. Box 592, Huntingdon, PA 16652. This proposed facility is located in Smithfield Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the upgrading of their existing treatment plant. This is a Chesapeake Bay Phase 1 project and is required to meet the proposed annual Total Nitrogen and Total Phosphorus limits.

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

WQM Permit No. WQG018694, Sewerage, **Barbara D. Lamping**, 575 Pine Ridge Road, Sugar Grove, PA 16350. This proposed facility is located in Farmington Township, **Warren County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1503070-R	Valley Park Realty Assoc., LP P. O. Box 1906 West Chester, PA 19380	Chester	Schuylkill Township	Pickering Creek HQ
PAI01 1508016	Coatesville Property Assoc. Five Tower Bridge Suite 750 Barr Harbor Drive West Conshohocken, PA	Chester	City of Coatesville	West Branch Brandywine Creek HQ-TSF
PAI01 1508047	William G. Roche 1380 Morgantown Road Morgantown, PA 19543	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI01 1508059	JAL Partners 55 Country Club Road Suite 200 Downingtown, PA 19335	Chester	Willistown Township	UNT Valley Creek EV
PAI01 1508071	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Chester	Charlestown Township	Valley and Pickering Creeks EV-HQ

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509009	Honey Brook Community Church P. O. Box 100 Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI01 1509012	Andy King 217 Media Road Oxford, PA 19363	Chester	East Nottingham Township	Jordan Run Pequa—Octoraro Creek EV-MF
PAI01 2308003	Archdiocese of Philadelphia 111 South 38th Street Philadelphia, PA 19104	Delaware	Marple Township	Holland Run EV
PAI01 2308011	Ashbridge Properties, Inc. 1625 Valley Road Newtown Square, PA 19073	Delaware	Edgmont Township	Rocky Run HQ-CWF-MF
PAI01 5109001	Essington Avenue Partners II, LP 2701 Renaissance Boulevard King of Prussia, PA 19406	Philadelphia	City of Philadelphia	Municipal Separate Storm Sewer

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907001(1)	Muhlenberg College 2400 Chew Street Allentown, PA 18104	Lehigh	City of Allentown	Cedar 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030608016	UGI LNG, Inc. One Meridian Boulevard Wyomissing, PA 19610	Berks	Ontelaunee Township	Willow Creek—Schuylkill River HQ-CWF-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408005	Thomas Songer Torrón Group, LP 1951 Pine Hall Drive Suite 150 State College, PA 16801	Centre	Harris Township	Spring Creek HQ-CWF
PAI041409002	Randall Davidson Davidson Brothers, Inc. 450 Runville Road Bellefonte, PA 16823	Centre	Boggs Township	Wallace Run HQ-CWF

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

Beaver County Conservation District: 156 Cowpath Road, Aliquippa, PA 15001, (724) 378-1701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050408003	Castlebrook Development Group, LLC 2593 Wexford Bayne Road Suite 201 Sewickley, PA 15143	Beaver	Borough of Ambridge	Ohio River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056508001	James Killion Shag Bark Grove Real Estate, LP 258 McDermott Road Trafford, PA 15085	Westmoreland	Municipality of Murrysville	Haymakers Run HQ-WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061008003	Knoch Farms Dev., LLC 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Butler	Clinton and Jefferson Townships	UNT Sarver Run HQ-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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAG200 0909047	Township of Falls 188 Lincoln Highway Suite 100 Fairless Hills, PA 19030	UNT Martins Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG200 0908075-1	Theodore Harrison 105 Keystone Drive Telford, PA 18969	Deep Run Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG200 0908083	Univest Corporation 14 North Main Street Souderton, PA 18964	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nockamixon Township Bucks County	PAG200 0908092	Harrow Station, LLC 265 Frogtown Road Kininersville, PA 18930	Lake Nockamixon and Haycock Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Goshen Township Chester County	PAG200 1508067	2VC Realty, Inc. 1200 Wilson Drive West Chester, PA 19380	East Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG200 1509008	Caln Township 253 Municipal Drive Thorndale, PA 19372	Valley Run, Beaver and East Branch Brandywine Creeks CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAG200 1508052	Four Pro Partners 299 Boot Road Downingtown, PA 19335	East Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Township Delaware County	PAG200 2308021	Ruggiero Development Group 1786 Wilmington Pike Suite 300 Glen Mills, PA 19342	Chester and Brandywine Creeks WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Folcroft Borough Delaware County	PAG200 2308037	Henderson Northeast Corporation 112 Chesley Drive Media, PA 19065	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG200 2308049	Victoria Land Partners, LP 3655 Nobel Drive Suite 650 San Diego, CA 92122	UNT Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG200 2309005	Garnet Valley School District 80 Station Road Glen Mills, PA 19342	West Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG200 4608175	Laurence Genuardi 385 Harrow Lane Blue Bell, PA 19422	Prophecy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG200 4608180	The Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints 2 Laurel Lane Newtown Square, PA 19073	Indian Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108027	Drexel University 3201 Arch Street Philadelphia, PA 19104	Schuylkill Watershed CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108038	City of Philadelphia Department of Public Property 1515 Arch Street 11th Floor Philadelphia, PA 19102	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109007	Community College of Philadelphia 1700 Spring Garden Street Philadelphia, PA 19130	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Saucon Township Lehigh County	PAG2003909001	Thomas Beil Upper Saucon Township 5500 Camp Meeting Road Center Valley, PA 18034	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Wright Township Luzerne County	PAG2004009006	Mericle 3 Elmwood, LLC Attn: Robert Mericle East Mountain Corp. Center 100 Baltimore Drive Wilkes-Barre, PA 18702	Tributary to Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Hampden Township Cumberland County	PAG2002109004	Jim Mumper 3913 Market Street Camp Hill, PA 17011	Sears Run WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002109003	Lois and Ntzani's Partnership George Lois 76 Millers Gap Road Enola, PA 17025	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Centre County College Township	PAG2001406002(2)	Ian Salada PSU—Office of Physical Plant 101P Physical Plant Building University Park, PA 16802	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Hemlock Township	PAG2001908003(1)	Richard T. Hardy Geisinger Health System 100 North Academy Avenue Danville, PA 17822	Little Fishing Creek CWF Hemlock Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Lycoming County Woodward Township	PAG2004109003	Brian Soyka Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Pine Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Tioga County Delmar Township	PAG2005909005	Richard Strauch 2-B Wain Street Wellsboro, PA 16901	UNT to Stoney Fork Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Somerset County Jefferson and Lincoln Townships	PAG2005609001	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	UNT to Crab Run HQ-CWF	Somerset County Conservation District (814) 445-4652
Somerset County Paint Township	PAG2005609004	Loretta Spak 145 Bryce Way Windber, PA 15963	Seese Run CWF	Somerset County Conservation District (814) 445-4652
Washington County Union Township	PAG2006304017-R	Quaker Engineering Co. P. O. Box 459 Bridgeville, PA 15017	UNT to Peters Creek TSF	Washington County Conservation District (724) 228-6774

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington County North Strabane Township	PAG2006309010	Adios Associates, LP 375 Southpointe Boulevard Suite 410 Canonsburg, PA 15317	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Unity Township	PAG2006504011-R	Gabe A. Monzo Arnold Palmer Reg. Airport 148 Aviation Lane Suite 103 Latrobe, PA 15650	UNT to Monastery Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon Township	PAG2006507042	Joseph Gulisek 341 Quarry Street Mt. Pleasant, PA 15666	Tributary to Sherrick Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Murrysville	PAG2006508030	Murrysville Medical Commons, LP 3507 Chateau Lane Murrysville, PA 15668	Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County City of Lower Burrell	PAG2006509001	Thomas McAninch 2919 Leechburg Road Lower Burrell, PA 15068	UNT to Chartiers Run TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Mt. Pleasant Borough	PAG2006509004	Millstein Industries, LLC 322 Armbrust Road 2nd Floor Youngwood, PA 15697 and Cole Contracting 1620 Turkey Hollow Road Belle Vernon, PA 15012	UNT to Boyer Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Fairfield Township	PAG2006509005	Paul Finley Antiochian Orthodox Christian Camp 140 Church Camp Trail Bolivar, PA 15923	UNT to Tubmill Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006509006	New Enterprise Stone 3912 Rumbaugh Road New Enterprise, PA 15664 and Elizabeth Uncapher 686 Middletown Road Greensburg, PA 15601	UNT to Sewickley Creek WWF	Westmoreland County Conservation District (724) 837-5271
Butler County Butler Township	PAG2001008021(1)	Butler Healthcare Providers Butler Memorial Hospital 911 East Brady Street Butler, PA 16001	Butler Township	Butler County Conservation District 122 McCune Drive Butler, PA 16001-6501
Crawford County City of Meadville	PAG2002009001	North Village Housing Complex Phase II Allegheny College 520 North Main Street Meadville, PA 16335	UNT French Creek WWF	Crawford County Conservation District Woodcock Creek Nature Center 21742 German Road Meadville, PA 16335

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County Hampden Township	PAR503505	Waste Management of PA, Inc.—Camp Hill Transfer Station 4300 Industrial Park Road Camp Hill, PA 17011	UNT Cedar Run CWF 7-E	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mount Joy Borough	PAR803668	Leffler Energy, LLC Mount Joy Petro Storage Facility 15 Mount Joy Street Mount Joy, PA 17552	UNT Little Chickies Creek TSF 7-G	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAR803585	Berks Products Corporation—Hess Equipment Rental P. O. Box 9000 Wyomissing, PA 19610	UNT Schuylkill River WWF 3-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Richland Borough	PAR803672	Leffler Energy, LLC Richland Petro Storage Facility 15 Mount Joy Street Mount Joy, PA 17552	UNT Mill Creek TSF 3-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County New Holland Borough	PAR803669	Leffler Energy, LLC New Holland Petro Storage Facility 15 Mount Joy Street Mount Joy, PA 17552	UNT Mill Creek WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAR803670	Pittsburgh Terminals Corporation—Lancaster Petro Storage Facility 900 Eisenhower Boulevard Harrisburg, PA 17105	UNT Little Conestoga Creek WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Swatara Township	PAR803671	Pittsburgh Terminals Corporation—Harrisburg Bulk Storage Terminal 900 Eisenhower Boulevard Harrisburg, PA 17105	UNT Spring Creek CWF 7-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Saxton Borough	PAR133507	Seton Company Horton Drive Saxton, PA 16678-1502	Raystown Branch—Juniata River TSF 11-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Lower Swatara Township	PAR803569	Mack Trucks, Inc.—Remanufacturing Center 2800 Commerce Drive Middletown, PA 17057-3294	Burd Run WWF 7-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Summit Township Erie County	PAG048722	Jeanette Paris 2101 Dorn Road Waterford, PA 16441	UNT to LeBoeuf Creek 16A	DEP— NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township Warren County	PAG049517	Barbara D. Lamping 575 Pine Ridge Road Sugar Grove, PA 16350	UNT to Kiantone Creek 16-B	DEP— NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Washington Township Franklin County	PAG083538	Washington Township Municipal Authority 11102 Buchanan Trail East Waynesboro, PA 17268	Washington Township Municipal Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Chambersburg Borough Franklin County	PAG083587	Chambersburg Borough 100 South Second Street Chambersburg, PA 17201	J. Hase Mowry WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality & County</i>	<i>Applicant Name & Address</i>	<i>Site Name</i>	<i>Contact Office & Phone No.</i>
Derry Township Westmoreland County	Redevelopment Authority City of Johnstown 241 Asphalt Road Johnstown, PA 15901	Garrigan Farm	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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Ephrata Township	PAG123678	Kenneth Buckwalter Farm 765 Glenwood Drive Ephrata, PA 17522	UNT Conestoga River WWF 7-J	DEP—SCRO Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Paradise Township	PAG123679	Terry L. Hershey 573 Strasburg Road Paradise, PA 17562	Eshleman Run CWF 7-K	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
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Downs Racing, LP, d/b/a Mohegan Sun at Pocono Downs 1280 Highway 315 Wilkes-Barre, PA 18702	Luzerne	216	263	Horse	N/A	Approved
Drew Remley 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga	140.5	537.55	Beef, hog	HQ, Salt Spring Run	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

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

Permit No. 2520037, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Palmyra Professional Center
HC6, Box 6040
Hawley, PA 18428
Lackawaxen Township

County **Pike County**
Type of Facility Public Water Supply
Consulting Engineer N/A
Permit to Operate May 6, 2009
Issued

Permit No. 4009515MA, Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111
Dallas Township

County **Luzerne County**
Type of Facility Public Water Supply
Consulting Engineer Arthur C. Saunders, P. E.
United Water Pennsylvania, Inc.
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111
Permit to Construct June 1, 2009
Issued

Permit No. 4009514MA, Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111
Dallas Township

County **Luzerne County**
Type of Facility Public Water Supply
Consulting Engineer Arthur C. Saunders, P. E.
United Water Pennsylvania, Inc.
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111
Permit to Construct May 27, 2009
Issued

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

Permit No. 3809501, Public Water Supply.

Applicant **Annville-Cleona School District**

Municipality North Annville Township

County **Lebanon**

Type of Facility Installation of corrosion control treatment facilities for orthophosphate addition at the North Annville Elementary School. Treatment is necessary to reduce lead and copper concentrations below the action levels.

Consulting Engineer Stephen B. Fulton, P. E.
ARM Group, Inc.
1129 West Governor Road
Hershey, PA 17033-0797

Permit to Construct Issued: May 8, 2009

Permit No. 0109501, Public Water Supply.

Applicant **Bonneauville Borough Municipal Authority**

Municipality Bonneauville Borough

County **Adams**

Type of Facility Radium and gross alpha removal for wells Nos. 5, 8 and 9.

Consulting Engineer Daniel Cargnel, P. E.
Buchart Horn, Inc.
445 West Philadelphia Street
York, PA 17404

Permit to Construct Issued: May 28, 2009

Permit No. 0709503 MA, Minor Amendment, Public Water Supply.

Applicant **Hollidaysburg Borough Authority**

Municipality Hollidaysburg Borough

County **Blair**

Type of Facility Construction will include installation of approximately 12,000 linear feet of 10" and 8" water main and necessary appurtenances.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on April 9, 2009.

Consulting Engineer David R. Stiffler, P. E.
Stiffler, McGraw & Associates, Inc.
19 North Juniata Street
Hollidaysburg, PA 16648

Permit to Construct Issued: May 27, 2009

Operations Permit issued to **Oley Township Municipal Authority**, 3060053, Oley Township, **Berks County** on May 8, 2009, for the operation of facilities approved under Construction Permit No. 0601510.

Operations Permit issued to **Edenville Water Association, Inc.**, 7280046, St. Thomas Township, **Franklin County** on June 1, 2009, for the operation of facilities approved under Construction Permit No. 2808502.

Operations Permit issued to **The York Water Company**, 7670100, West Manchester Township, **York County** on May 27, 2009, for the operation of facilities approved under Construction Permit No. 6708504.

Operations Permit issued to **Elizabethtown Area Water Authority**, 7360124, Elizabethtown Borough, **Lancaster County** on May 29, 2009, for the operation of facilities approved under Construction Permit No. 3608508 MA.

Operations Permit issued to **The York Water Company**, 7670100, Manchester Township, **York County** on May 22, 2009, for the operation of facilities approved under Construction Permit No. 6708506.

Operations Permit issued to **Eastern Lebanon County School District**, 7380327, Myerstown Borough, **Lebanon County** on June 1, 2009, for the operation of facilities approved under Construction Permit No. 3808505 MA.

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

Permit No. 4708501—Construction, Public Water Supply.

Applicant **DeLong Green Acres Township or Borough**

County **Montour**

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

Type of Facility Public Water Supply—Construction

Consulting Engineer David Swisher, P. E.
Bassett Engineering
1440 Broad Street
Montoursville, PA 17754

Permit Issued Date May 28, 2009

Description of Action Reverse Osmosis for treatment of sulfates, TDS and hardness.

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

Permit No. 3208504, Public Water Supply.

Applicant **Eastern Orthodox Foundation**
P. O. Box 432
Indiana, PA 15701

Borough or Township Cherry Hill Township
 County **Indiana**
 Type of Facility Eastern Orthodox Foundation residential care water system
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650
 Permit to Construct May 27, 2009
 Issued

Operations Permit issued to **Municipal Authority of the Borough of West View**, 210 Perry Highway, Pittsburgh, PA 15229, (PWSID No. 5020043) Neville Township, **Allegheny County** on June 1, 2009, for the operation of chloramination facilities approved under Permit No. 0209502.

Permit No. 0209507MA, Minor Amendment, Public Water Supply.

Applicant **Pittsburgh Water and Sewer Authority**
 1200 Penn Avenue
 2nd Floor
 Pittsburgh, PA 15222-4204

Borough or Township City of Pittsburgh
 County **Allegheny**
 Type of Facility Squirrel Hill water storage tank
 Consulting Engineer Chester Engineers
 260 Airside Drive
 Moon Township, PA 15108
 Permit to Construct May 27, 2009
 Issued

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

Permit No. 2594501-MA11, Public Water Supply.

Applicant **Erie City Water Authority**
 Township or Borough McKean Borough/Township
 County **Erie County**
 Type of Facility Public Water Supply
 Consulting Engineer George H. Willis, P. E.
 Permit to Construct May 27, 2009
 Issued

Permit No. 2508502, Public Water Supply.

Applicant **Fairview Township Sewer and Water Authority**
 Township or Borough Fairview Township
 County **Erie County**
 Type of Facility Public Water Supply
 Consulting Engineer Mark J. Corey, P. E.
 Permit to Construct May 29, 2009
 Issued

Permit No. 3709501, Public Water Supply.

Applicant **Volant Borough**
 Township or Borough Volant Borough
 County **Lawrence County**

Type of Facility Public Water Supply
 Consulting Engineer Tom Thompson, P. E.
 Permit to Construct June 1, 2009
 Issued

Permit No. 6106501-MA1, Public Water Supply.

Applicant **Cornplanter Township**
 Township or Borough Cornplanter Township
 County **Venango County**
 Type of Facility Public Water Supply
 Consulting Engineer Joseph P. Pacchioni, P. E.
 Permit to Construct June 2, 2009
 Issued

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

Wellhead Protection Program Approval issued to **Buhl Community Water Company**, 372 Old Ash Road, Mercer, PA 16137, PWSID No. 6430049, Springfield Township, **Mercer County** on May 12, 2009.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA4-24B, Water Allocations. Beaver Falls Municipal Authority, 1425 8th Avenue, P. O. Box 400, Beaver Falls, PA 15010, **Beaver County**. Modification order for a service area expansion to serve the Borough of Zelenople, **Butler County**.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	1301 Centerville Road	Cumberland

Plan Description: The approved plan provides for the construction of a vacuum sewer system to collect and convey all sewage flow from Centerville to the sewer extension at Key Logistic Park Development for ultimate disposal and treatment at the Newville Borough Water and Sewer Authority's Wastewater Treatment Plant. The approved plan also provides for the adoption of an onlot disposal system (OLDS) management ordinance to address all remaining OLDS in the municipality. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hempfield, Salem and Unity Townships	Hempfield Township Supervisors Kurt M. Ferguson, Manager 1132 Woodward Drive Suite A Greensburg, PA 15601 Salem Township Supervisors Lynn Cain, Secretary 244 Congruity Road Greensburg, PA 15601 Unity Township Supervisors Anita L. Ulishney, Secretary 154 Beatty County Road Latrobe, PA 15650	Westmoreland

Plan Description: The project is located in the Crabtree Creek Watershed, in portions of Hempfield, Salem and Unity Townships, Westmoreland County.

The project area includes the Villages of Crabtree, Old Crabtree, Hannastown, Luxor and Forbes Road. The Plan provides for the construction of collection sewers, interceptors and a new sewage treatment plant capable of treating 337,500 gpd.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts results from this proposal.

Any required WQM Permits must be obtained in the name of the Crabtree Township as appropriate.

**BIOSOLIDS INDIVIDUAL PERMITS
(PABIG, SSN and PABIS)**

The Department of Environmental Protection (Department) has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

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 individu-

als should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**BIOSOLIDS INDIVIDUAL PERMITS
(PABIG and PABIS)**

The Department of Environmental Protection (Department) has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Persons aggrieved by this 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 receipt of written notice of this action 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.

Department of Environmental Protection
Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110-8200

PABIS 3502. Dennis McCullough Farm, Cumberland County, West Pennsboro Township. William F. Hill & Associates, 207 Baltimore Street, Gettysburg, PA 17325, is approved to beneficially use their biosolids on the Dennis McCullough Farm in West Pennsboro Township, Cumberland County.

**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 re-

ports, other than the Final Report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Miller Bros. Construction, Inc., 112 Claude A. Lord Boulevard, Pottsville City, **Schuylkill County**. Justin Shappell, United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Final Report (on behalf of his client, James L. Miller, P. O. Box 472, Schuylkill Haven, PA 17972), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release during the excavation of an underground storage tank, which exhibited visible holes. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in the *Pottsville Republican* and the *Evening Herald* on April 13, 2009. A Notice of Intent to Remediate was simultaneously submitted.

General Dynamics Land Systems, 175 East Street, Archbald Borough, **Lackawanna County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073 has submitted a Final Report (on behalf of his client, General Dynamics Land Systems, 175 East Street, Eynon, PA 18403), concerning the remediation of soils found to have been impacted by No. 2 fuel oil, waste oil, quench oil, coolants, hydraulic fluids and lubricants as a result of multiple releases, which occurred from March 1986 through October 1993. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Times-Tribune* on May 14, 2009. A Notice of Intent to Remediate was simultaneously submitted.

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

Bard Town Houses, Shippensburg Township, **Cumberland County**. BL Companies, Inc., 213 Market Street, Harrisburg, PA 17101, on behalf of Shippensburg Reserve Partnership, 2601 West 26th Street, Erie, PA 16506, submitted a combined Remedial Investigation and Final Report concerning remediation of soils and groundwater impacted with No. 2 fuel oil. The combined report

is intended to document remediation of the site to meet a combination of Residential Statewide Health and Site-Specific Standards.

Lewis' Cleaners, Manchester Township and North York Borough, **York County**. BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Northgate Associates, 146 Pine Grove Circle, York, PA 17403, submitted a Remedial Investigation Report concerning site groundwater contaminated with chlorinated solvents. This site will be remediated to a combination of the Site-Specific and Statewide Health Standards.

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.

Sun Pipeline Lima Release Site, Middletown Township, **Delaware County**. Holly Smoker, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Carl Borkland, Sunoco Pipeline, K.P., 1735 Market Street, Philadelphia, PA 19103 on behalf of Larry Weathers, Weathers Dodge, 1187 West Baltimore Pike, Media, PA 19037 has submitted a Final Report concerning the remediation of site groundwater contaminated with gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 7, 2009.

Comfort Inn Trevoese, Bensalem Township, **Bucks County**. Hansa Patel, Virah Bensalem, LP, 2779 Route 1 North, Trevoese, PA 19053 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department of Environmental Protection on May 6, 2009.

Chambers Group, Malvern Borough, **Chester County**. Samuel Kucia Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Paul Chambers, Foshy, LP, 147 Pennsylvania Avenue, Malvern, PA 19355, John Whitney, Private Entity, 25 Euclid Avenue, Haddonfield, NJ 08033 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 May 5, 2009.

Yodder Residence, Downingtown Borough, **Chester County**. Don Coleman, Marshall Miler & Associated, Inc., 3913 Hartsdale Drive, Suite 1306, Camp Hill, PA 17001 on behalf of David Socks, Response Environmental, Inc., 912 Spring Circle, Mechanicsburg, PA 17055 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 May 11, 2009.

Franklin Commons, Phoenixville Borough, **Chester County**. Shaun Gilday, Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19460, Roger Tartaglia, Center Point Tank Services, 563 Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of David Moskowitz, Palma, LP, 400 Franklin Avenue, Phoenixville, PA 19460 has submitted a Final Report concerning the remediation of site soil contaminated with used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 5, 2009.

Vassiliou Residence, Tredyffrin Township, **Chester County**. Robert Kleinschmidt, Miller Environmental, Inc., 514 Hartman Run Road, Morgantown, WV 26505 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 May 8, 2009.

Clemens Clnrs @ Hillcrest Shopping Ctr., Lansdale Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Randy Clemens, Clemens Cleaners, 811 West 5th Street, Lansdale, PA 19446 on behalf of John Lloyd, HC Spectrum Partners, LP, 1690 Sunneytown Pike, Suite 240, Lansdale, PA 19446 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department of Environmental Protection on May 12, 2009.

211 Belmont Avenue Site, Lower Merion Township, **Montgomery County**. Jeffery Welsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Kevin Kyle, 211 Belmont Avenue Associated, LP, 2701 Renaissance Boulevard, Fourth Floor, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 14, 2009.

Greene Tweed & Company, Towamencin Township, **Montgomery County**. Rick Cheever, Greene Tweed Company, 2705 Detwiler Road, Kulpsville, PA 19443 has submitted a Final Report concerning the remediation of site soil and groundwater 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 May 5, 2009.

McLean Package, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E & R, 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 Joe Fenkel, McLean Packaging Corporation, 1504 Glen Avenue, Moorestown, NJ 08057 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics. The Cleanup Plan and Remedial Investigation Report were placed on hold by the Department of Environmental Protection on May 6, 2009.

Chester Soccer Stadium Area, City of Chester, **Delaware County**. Steve Johnson, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, Dan Morna, TN Ward Company, 129 Coulter Avenue, Ardmore, PA 19003 on behalf of Michael Hare, FC Pennsylvania Stadium, LLC, 322 A Street, Suite 300, Wilmington, DE 19801 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganic. The Remedial investigation Report was disapproved by the Department of Environmental Protection on May 11, 2009.

619-629 North Broad Street, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Andrew Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Martin D. Liebhardt, Sunoco, Inc. (R&M), 350 Eagleview Boulevard, Exton, PA 19341 on behalf of Daniel H. Polett, Lexus of Chester Springs, 400 Pottstown Pike, Chester Springs, PA 19425 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 13, 2009.

Fleet Fuel Site, East Pike Township, **Montgomery County**. Brain Olin, Action Environmental Group, 4301 Taggart Creek Road, Charlotte, NC 28208, Mike Faith, Lewis Environmental, 155 Railroad Plaza, Royersford, PA 19468, Keith Kons, Fleet Fuel Services, P. O. Box 444, Phoenixville, PA 19460 on behalf of Don Harner, 601 Wall Street, Phoenixville, PA 19460 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 May 20, 2009.

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

Medeiros Property, 20 North Cedar Street, Hazleton City, **Luzerne County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of his client, Victor Medeiros, 1403 Beech Court, Hazle Township, PA 18202), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release due to an aboveground storage tank failure during a fuel oil delivery. The report documented attainment of the Statewide Health Standard and was approved on May 20, 2009.

Fabian Residence, 615 North Muhlenberg Street, Allentown City, **Lehigh County**. Jeremy W. Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 submitted a Final Report (on behalf of his client, Matthew Fabian, 615 North Muhlenberg Street, Allentown, PA 18102), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of the over-pressurization of the property's aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard and was approved on May 20, 2009.

Midas Residence, 529 East Ridge Street, Lansford Borough, **Carbon County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of his client, David Midas, 529 East Ridge Street, Lansford, PA 18232), concerning the remediation of soil found to have been impacted by No. 2 fuel oil due to a release that occurred during a fuel oil delivery as the result of an accidental overflow of a 275-gallon aboveground storage tank. The report did not document attainment of the Statewide Health Standard and was disapproved on May 26, 2009. The report was originally submitted within 90 days of the release.

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

4 Pine Lane Property, Union Township, **Lebanon County**. Liberty Environmental, Inc., 50 North 5th Street, Fifth Floor, Reading, PA 19601, on behalf of Paul and Judy Wengert, 987 Daffodil Drive, Lebanon, PA 17052, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on May 26, 2009.

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

Joan Buranich, Mount Carmel Borough, **Northumberland County**. REPSG, 6901 Kingessing Avenue, Philadelphia, PA 19142 on behalf of Joan Buranich, 701

East 7th Street, Mount Carmel, PA 17851 has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 1, 2009.

PROPOSED ACTION ON A REQUEST FOR BOND RELEASE

Proposed action on a request for a bond release under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste facility.

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

Following the 45-day comment period and/or public hearing, the Department of Environmental Protection will make a final determination regarding the proposed permit and bond actions. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

INTENT TO RELEASE BOND

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

ID No. PAD059087072, MAX Environmental Technologies, Inc., 200 MAX Drive, Bulger, PA 15019, Smith Township, **Washington County**. On May 14, 2009, the Department of Environmental Protection (Department) received a request for a bond release from MAX Environmental Technologies for its closed hazardous waste Impoundment No. 2. This request does not include the release of any of the Impoundment No. 2 postclosure bond. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 265a.165.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 100944. Chester County Solid Waste Authority. Caernarvon and Salisbury Townships, **Lancaster County** and Honey Brook Township, **Chester County**. An application was submitted for expansion to their existing municipal waste landfill called the Area E Expansion. A Local Municipal Involvement Process meeting was held on May 13, 2009, at which point the application was considered received. The Department of Environmental Protection (Department), applicant and the host municipalities negotiated a Depart-

ment review time frame of 590 days. The application was considered administratively complete on May 22, 2009.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration Approved 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.

Registration under General Permit No. WMGR097R009. US Enviro-Pur, LLC, 57 Park Lane, Hegins, PA 17938.

General Permit Number WMGR097 authorizes research and development (R & D) activities. This general permit was issued in support of R & D activities to demonstrate that sewage sludge derived material might be beneficially used as an alternative fuel. Central Office approved this registration for coverage under the general permit on May 28, 2009.

Persons interested in obtaining more information, or obtaining copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 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.

GP3-36-03179: Richard E. Pierson Materials Corp. (P. O. Box 714, Bridgeport, NJ 08014) on May 28, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Mount Joy Borough, **Lancaster County**.

GP9-38-05024: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on May 22, 2009, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in South Lebanon Township, **Lebanon County**.

GP9-36-03179: Richard E. Pierson Materials Corp. (P. O. Box 714, Bridgeport, NJ 08014) on May 28, 2009, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in Mount Joy Borough, **Lancaster County**.

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

GP5-63-00945A: Atlas Pipeline Pennsylvania, LLC (P. O. Box 611, Moon Township, PA 15108-0611) on May 28, 2009, to install and operate two Caterpillar G3516LE compressor engines with 1,340 bhp and AFRC; one Waukesha L7042GSI compressor engine with 1,480 bhp and an Emit Technologies EAS-3050T-1414F-D1CEE catalytic converter; one NATCO triethylene glycol dehydrator; and one deethanizer burner at their Stewart Station in Mt. Pleasant Township, **Washington County**.

GP5-63-00948: Mark West Liberty Midstream and Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on May 28, 2009, to install and operate up to four Caterpillar G3516LE compressor engines, up to two with Miratech ZHS-30x31-12-H1 catalytic converters; one Natco .75mmBtu/hr triethylene glycol dehydrator, controlled by an open flare; and two 400-bbl condensate tanks equipped with vapor recovery at their Bedillion Day Compressor Station in Amwell Township, **Washington County**.

GP5-65-00961B: Dominion Exploration and Production, Inc. (1380 Route 286 Highway East, Suite 303, Indiana, PA 15701) on May 28, 2009, received authorization under GP-5 to install and operate a natural gas production facility at the Hickman Compressor Station in Bell Township, **Westmoreland County**.

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

GP-62-173A: Belden & Blake Corp.—Kingsley Station (Page Hollow Road, Pittsfield, PA 16340) on May 28, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Pittsfield Township, **Warren 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.

46-0037W: Cabot Supermetals—CSM (County Line Road, Boyertown, PA 19521) on May 29, 2009, for Plantwide Applicability Limits for VOC emissions units at the plant and for Reasonably Available Control Technology determination revision of its wastewater treatment plant at their Boyertown plant in Douglass Township, **Montgomery County** and Colebrookdale Township, **Berks County**.

46-0158B: Colorcon, Inc. (415 Moyer Boulevard, West Point, PA 19486-0024) on June 2, 2009, for modification to an existing Polyvinyl Alcohol Phthalate (PVAP) operation which includes installation of a dryer in Upper Gwynedd Township, **Montgomery County**. VOC emissions will increase 5.51 tons due to the modification to the PVAP operation. The facility will still remain a natural minor. The plan approval will 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) 826-2531.

58-329-005: Cabot Oil & Gas Corp. (900 Lee Street East, Suite 1700, Charleston, WV 25301) on May 29,

2009, to construct and operate a CAT Lean Burn Engine at their compressor station in Springville Township, **Susquehanna County**.

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

07-03043B: McLanahan Corp. (200 Wall Street, Hollidaysburg, PA 16648-1637) on May 21, 2009, for a special down-draft and cure spray booth with intake and exhaust filters for their facility in Hollidaysburg Borough, **Blair County**.

36-05065A: Skyline Corporation (99 Horseshoe Road, Leola, PA 17540-1763) on May 26, 2009, for installation of a paint booth in Upper Leacock Township, **Lancaster County**.

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

08-313-050B: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on April 28, 2009, to install a new C.P.E. Filters Model 36-MS-30-SS fabric collector to control the particulate emissions from an existing Calciner A in the Molybdenum Reduction department (083) in Building 41 at their facility in North Towanda Township, **Bradford County**. The existing fabric collector will be replaced by the proposed fabric collector.

18-00001B: Columbia Gas Transmission, Corp. (1700 MacCorkle Avenue, Southeast, Charleston, WV 25314-1518) on May 1, 2009, to construct and operate a new Caterpillar G3512LE engine (Source ID P109, Engine No. 6) at their Renovo Compressor Station facility in Chapman Township, **Clinton County**.

08-00003G: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on May 22, 2009, to modify scrubbers (IDs D41 and E42) to incorporate reject emissions from Line 1 and Line 2 refiners (Source IDs 141P and 142P) at their facility in Wysox Township, **Bradford County**.

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

03-00244: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301-2886) on May 27, 2009, to authorize the construction of a natural gas compressor station at the Rural Valley Compressor Station, in Valley Township, **Armstrong County**. Sources approved include: two Caterpillar compressor engines; one Model G3612, 3,550 bhp and one Model G3606, 1,775 bhp, each equipped with air/fuel ratio controls and individual cylinder ignition timing (ADEM III control system) and oxidation catalysts to control emissions, a NATCO glycol dehydration system (Model 150-275) with a 0.275 mmBtu/hr natural gas fired reboiler, emissions controlled by a 4 mmBtu/hr Questar Technology Thermal Oxidizer (Model Q100), a 690 bhp Caterpillar (Model G-3412 TA HCR) auxiliary generator for back-up power to the facility, emissions controlled by three-way oxidation catalyst, a 5,000-gallon Produced Fluids storage tank (vapor pressure greater than 1.5 psia) equipped with appropriate pressure and vacuum vents, other smaller supporting sources. Emissions from this facility are estimated to be 28.81 tons of NO_x, 10.94 tons of CO, 47.52 tons of VOCs, 0.11 ton of SO₂, 5.88 tons of HAPs and 1.81 tons of PM per year.

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

24-161B: Greentree Landfill Gas Co., LLC (Tower Road, Brockway, PA 15824) on May 28, 2009, to construct two natural gas compressor engines to replace the existing two compressor engines for boosting natural gas production into the custody transfer point in Horton Township, **Elk County**. This is a State-only facility.

61-187D: SMS Millcraft (671 Colbert Avenue, Oil City, PA 16301) on May 27, 2009, to replace the fume scrubber that controls the emissions from the existing hexavalent chrome plating operation in the Oil City Industrial Park in Oil City, **Venango County**.

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

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

15-0027I: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on May 19, 2009, to operate a new diesel catalysts production line No. 1 in Tredyffrin Township, **Chester County**.

46-0147A: Chemalloy Company, Inc. (P. O. Box 350, Bryn Mawr, PA 19010) on May 14, 2009, to operate two new manganese compound processing lines and controls associated with each line in Plymouth Township, **Montgomery County**.

15-0039A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19335) on May 28, 2009, to operate a new burner in East Caln Township, **Chester County**.

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

06-03063C: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) on May 22, 2009, to construct two small parts casters and to modify the existing fabric collector and HEPA filter at their facility in Kutztown Borough, **Berks 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.

59-00021A: Phoenix Resources, Inc. (782, Antrim Road, Wellsboro, PA 16901) on May 15, 2009, to modify the construction and demolition of their waste landfill by expansion of the landfill and to increase the average daily waste volume from 1,250 tpd to 2,000 tpd at their Phoenix Resources Landfill in Duncan Township, **Tioga County**, until September 6, 2009. The plan approval has been extended.

19-313-001B: Milco Industries, Inc. (550 East Fifth Street, P. O. Box 568, Bloomsburg, PA 17815) on May 18, 2009, to construct a new tenter frame textile dryer and install two electrostatic precipitators to control the air contaminant emissions from the new dryer and from an existing tenter frame dryer at their Bloomsburg plant in Bloomsburg Borough, **Columbia County** until November 12, 2009. The plan approval has been extended.

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

26-00573A: Johnson Matthey, Inc. (605 Mountain View Drive, Smithfield, PA 15478) on May 29, 2009, to extend the period of temporary operation of the catalyst production facility covered under plan approval 26-00573A until November 25, 2009, located in Smithfield Borough, **Fayette County**. The Plan Approval has been extended.

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

37-371A: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) on May 29, 2009, to construct a new forge shop and a solvent parts washer for their New Castle City facility in **Lawrence County**. The plan approval includes a limit to keep the facility minor. This is a State-only 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.

22-05012: Arcelormittal Steelton, LLC (215 South Front Street, Steelton, PA 17113-2538) on May 21, 2009, to operate a steelmaking facility in Steelton Borough, **Dauphin County**. This Title V operating permit has been administratively amended to incorporate ownership change without the Tax ID change. This is Revision No. 2.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

47-00003: Department of Public Welfare—Danville State Hospital (200 State Hospital Drive, Danville, PA 17821-9198) on April 29, 2009, to renew a Title V Operating Permit for their hospital in Mahoning Township, **Montour County**. The renewal Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

61-00011: Merisol Antioxidants, LLC (292 SR 8, Oil City, PA 16301) on May 26, 2009, to reissue a Title V Permit to operate an industrial organic chemicals manufacturing unit in Cornplanter Township, **Venango County**. The facility's major emission sources include two gas/oil fired boiler and furnace, dryers, distillation columns, process vessels, storage tanks, chemical process equipments and two degreaser units. The facility is a Title V facility due to its potential to emit of VOC above the major source thresholds. This facility is also subject to the Compliance Assurance Monitoring Rule under 40 CFR Part 64.

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.

09-00097: Lower Bucks Hospital (501 Bath Road, Bristol, PA 19007) on May 28, 2009, for renewal of the original State-only Operating Permit (Synthetic Minor) in Bristol Township, **Bucks County**, which was issued on November 12, 2003, and expired on November 30, 2008. There have been no other changes made to the permit since it was issued. The permit includes 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

40-00048: Reading Materials, Inc. (2052 Lucon Road, Skippack, PA 19474) on May 28, 2009, to reissue a State-only Natural Minor Operating Permit for operation of a rock crushing operation and associated air cleaning devices at their Pikes Creek Crushing Plant in Leman Township, **Luzerne County**.

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

06-05003: Stone Pointe Management Corp. (2525 North 12th Street, Reading, PA 19605-2749) on May 21, 2009, to operate a convention center including four boilers and two emergency generators in Muhlenberg Township, **Berks County**. This is a renewal of the State-only operating permit.

21-03055: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on May 27, 2009, for their Building No. 4 commercial printing operation in Silver Spring Township, **Cumberland County**. This is a renewal of the State-only operating permit.

22-05035: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889-0177) on May 26, 2009, to operate their Elizabethtown quarry in Washington Township, **Dauphin County**. This is a renewal of the State-only operating permit.

36-03007: F. L. Smidth, Inc. (236 South Cherry Street, Manheim, PA 17545-2006) on May 26, 2009, to operate their two natural gas boilers, two metal build-up lathes, shotblast booth and degreasing units in the Manheim Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

38-05037: Zimmerman Chair Shop (1486 Colebrook Road, Lebanon, PA 17042-9507) on May 28, 2009, for their wood surface coating and manufacturing operation in North Cornwall Township, **Lebanon County**.

67-03083: Utz Quality Foods, Inc. (900 High Street, Hanover, PA 17331-1639) on May 19, 2009, to operate their snack food manufacturing facility in Hanover Borough, **York County**. This is a renewal of the State-only operating permit.

67-05111: Johnson Controls, Inc. (1499 East Philadelphia Street, York, PA 17403-1232) on May 28, 2009, for their sheet metal fabrication operation at their East York Plant in Spring Garden Township, **York County**.

67-05112: Kinsley Manufacturing, Inc. (1110 East Princess Street, York, PA 17403-2520) on May 14, 2009, to operate their East York steel fabrication plant in Springettsbury Township, **York County**.

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

41-00052: Hanson Aggregates—PA, Inc. (7660 Imperial Way, Allentown, PA 18195), on April 28, 2009, to issue a State-only Operating Permit for their facility in Limestone Township, **Lycoming County**. The facility's main sources include six crushers and associated various material sizing and conveying equipment. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00019: Sunoco Partners Marketing & Terminals LP (525 Fritztown Road, Sinking Spring, PA 19608) on May 27, 2009, to issue a State-only Synthetic Minor Operating Permit for their petroleum bulk storage and distribution Northumberland Terminal facility in Point Township, **Northumberland County**. The facility's main sources include a seven storage tanks and two loading racks. The facility has taken restrictions to limit potential VOCs and HAPs emissions below Title V thresholds. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

56-00158: Turkeyfoot Valley Area School District (172 Turkeyfoot Road, Confluence, PA 15424-2420) on May 26, 2009, to renew their State-only permit to operate a coal fired boiler, a fuel-oil boiler and two emergency generator sets at the Junior/Senior High School in Lower Turkeyfoot Township, **Somerset County**.

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

20-00264: Salt Painting, Inc. (17918 Highway 198, Saegertown, PA 16433-3640) on June 1, 2009, to reissue the referenced permit for this abrasive blasting and surface coating operation, in Hayfield Township, **Crawford 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.

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

18-00026: First Quality Products, Inc. (Clinton County Industrial Park, 121 North Road, McElhatten, PA 17748) on May 8, 2009, to incorporate, by means of administrative amendment, the conditions established in Plan Approval 18-315-002A, issued on July 3, 2007, for construction of two adult brief machines (Lines 31 and 32) at the McElhatten facility in Wayne Township, **Clinton County**.

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

S05-008: Ironstone (3300 Henry Avenue, Philadelphia, PA 19129) on May 29, 2009, to incorporate a change of ownership and to incorporate some installation permits. The Synthetic Minor operating permit was originally issued on September 12, 2005.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

32901602 and NPDES Permit No. PA0214442, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to renew the permit for the I-22 Tipple in Burrell Township, **Indiana County** and related NPDES permit. No additional discharges. Application received November 14, 2008. Permit issued May 27, 2009.

65881701 and NPDES Permit No. PA0214116, Consolidation Coal Company, (CNX Center, 100 Consol Energy Drive, Canonsburg, PA 15317), to renew the permit for the Hutchinson AMD Plant in Sewickley Township, **Westmoreland County** and related NPDES permit. No additional discharges. Application received December 9, 2008. Permit issued May 27, 2009.

03961301 and NPDES Permit No. PA03961301, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Tracy Lynne Mine in Kiskiminetas and Parks Townships, **Armstrong County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 3,013.6, Subsidence Control Plan Acres Proposed 3,013.6. No additional discharges. Application received October 17, 2008. Permit issued May 29, 2009.

17041301 and NPDES Permit No. PA0235628, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Penfield Mine in Huston Township, **Clearfield County** to add underground permit and subsidence control plan acreage. Underground Acres Proposed 388.0, Subsidence Control Plan Acres Proposed 388.0. No additional discharges. Application received January 12, 2009. Permit issued May 29, 2009.

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

56030106 and NPDES No. PA0249513. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 4.8 acres. Receiving streams: UNTs to Casselman Run; UNTs to/and Elk Lick Creek classified for the following uses: WWF, CWF. There

are no potable water supply intakes within 10 miles downstream. Application received February 24, 2009. Permit issued May 26, 2009.

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

24030103 and NPDES Permit No. PA0242390. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Renewal of an existing bituminous surface strip, auger, coal ash placement and beneficial use of coal ash operation in Horton Township, **Elk County** affecting 581.1 acres. Receiving streams: Johnson Run and UNTs to Johnson Run, Oyster Run and UNT to Oyster Run and Little Toby Creek. Application received March 3, 2009. Permit issued June 1, 2009

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

17060112 and NPDES No. PA0238376. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine from Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830) located in Bell Township, **Clearfield County**, affecting 279.0 acres. Receiving streams: Lost Run to Clover Run to East Branch Mahonning Creek, to Allegheny River, classified for the following uses: CWF to WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2009. Permit issued May 22, 2009.

17753180. Penn Coal Land, Inc. (P. O. Box 68, Boswell, PA 15531), permit renewal for reclamation only of a bituminous surface mine in Boggs Township, **Clearfield County**, affecting 140.0 acres. Permit issued May 26, 2009.

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

13980201R2. Rossi Excavating Company, (R. R. 1 Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 18.0 acres, receiving stream: none. Application received November 18, 2008. Renewal issued May 26, 2009.

Noncoal Permits Actions

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

53032802. R. Hess Equipment, Inc. (950 Johnson Road, Ulysses, PA 16948), noncoal mining operation (shale) in Harrison Township, **Potter County**. Restoration of 1.0 acre completed. Receiving streams: Cavanisque River, tributary to Tioga River. Application received March 5, 2009. Final bond release May 26, 2009.

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

15830602C8. Allan A. Myers, LP, d/b/a Independence Construction Materials, (638 Lancaster Avenue, Malvern, PA 19355), correction to an existing quarry operation to update the reclamation plan to include clean fill in Charlestown Township, **Chester County** affecting 87.74 acres, receiving stream: intermittent UNT to Pickering Creek. Application received December 8, 2008. Correction issued May 26, 2009.

66080803. Russell W. Prevost, (R. R. 2, Box 153, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Windham Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received June 23, 2008. Permit issued May 26, 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.

28094106. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is May 19, 2010. Permit issued May 20, 2009.

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

30094002. American Oil & Gas (P. O. Box 487, Waynesburg, PA 15370). Blasting activity permit for construction of the Hook 1 well site, located in Perry Township, **Greene County**. The blasting is expected to be 90 days. Blasting activity permit issued May 28, 2009.

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

33094001. Precision Geophysical, Inc. (2695 SR 83 South, Millersburg, OH 44654). Blasting activity permit for seismic exploration in Henderson and Brady Townships, **Jefferson and Clearfield Counties**. This blasting activity permit will expire on August 28, 2009. Application received May 27, 2009. Permit issued May 28, 2009.

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

08094004. Dan Millward (Comfort Inn, Room 103, 300 Gateway Drive, Mansfield, PA 16933), seismic blasting (CGG Veritas Seismic No. 2) located in Armenia and Columbia Townships, **Bradford County**. Permit issued May 27, 2009. Permit expires May 31, 2010.

17094008. Precision Geophysical, Inc. (2695 SR 83 South, Millersburg, OH 44654), seismic blasting located in Brady and Bell Townships, **Clearfield County**. Permit issued May 28, 2009. Permit expires August 28, 2009.

59094004. Dan Millward (Comfort Inn, Room 103, 300 Gateway Drive, Mansfield, PA 16933), seismic blasting (CGG Veritas Seismic No. 1) located in Ward Township, **Tioga County**. Permit issued May 27, 2009. Permit expires June 1, 2010.

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

36094130. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Veranda Development in East Hempfield Township, **Lancaster County** with an expiration date of June 1, 2010. Permit issued May 27, 2009.

39094109. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Olympic Ridge Development in Lower Macungie Township, **Lehigh County** with an expiration date of June 1, 2010. Permit issued May 27, 2009.

67094114. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for York Haven By-Pass Project in York Haven Borough, **York County** with an expiration date of May 21, 2010. Permit issued May 27, 2009.

36094128. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Penns Crossing Development in Manheim Township, **Lancaster County** with an expiration date of June 1, 2010. Permit issued May 28, 2009.

36094129. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Brighton Development in Manheim Township, **Lancaster County** with an expiration date of June 1, 2010. Permit issued May 28, 2009.

36094131. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Watson Run Development in Leacock Township, **Lancaster County** with an expiration date of June 1, 2010. Permit issued May 28, 2009.

38094111. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Northgate Development in Cornwall Borough, **Lebanon County** with an expiration date of June 1, 2010. Permit issued May 28, 2009.

38094112. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for The Meadows at Southfield Development in South Lebanon Township, **Lebanon County** with an expiration date of June 1, 2010. Permit issued May 28, 2009.

39094108. Silver Valley Drilling & Blasting, Inc., (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Plaza on 8th Development in Bethlehem City, **Lehigh County** with an expiration date of May 1, 2010. Permit issued May 28, 2009.

46094111. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for Lower Salford Sewer Project in Lower Salford Township, **Montgomery County** with an expiration date of May 21, 2010. Permit issued May 28, 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.

E46-1031. 131 and 151 Rock Hill Associates, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406, Lower Merion Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities across Gully Run (WWF) associated with the proposed Rock Hill residential development project:

1. To relocate, construct and maintain an approximately 300-foot section of an existing open concrete flume.

2. To relocate, construct and maintain an approximately 600-foot section of closed concrete flume. This work includes enclosing an approximately 100-foot section of an existing open concrete flume.

The proposed concrete flume will have a 14-foot minimum span and an 8-foot minimum under clearance. The site is located approximately 700 feet northeast of the intersection of Conshohocken State (SR 0023) and Rock Hill Roads (Germantown, PA USGS Quadrangle N: 4.03 inches; W: 15.50 inches).

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

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

E45-481. Brodhead Creek Regional Authority, 410 Stokes Avenue, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To maintain the work completed under Emergency Permit No. EP4506412 which included stream restoration and stabilization in and along an approximately 800-foot reach of Brodhead Creek. The purpose of the project was to reduce the potential for streambank erosion and sediment deposition that may compromise the Brodhead Creek Regional Authority's dam and water intake structure which are part of a public water system. The project is located approximately 1,000 feet upstream of Stokes Avenue (East Stroudsburg, PA Quadrangle Latitude: 41° 1' 04"; Longitude: 75° 12' 06").

E35-423. Lower Lackawanna Valley Sanitary Authority, P. O. Box 67, Old Forge, PA 18518. Old Forge Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Saint Johns Creek (CWF) Interceptor/Combined Sewer Outfall (CSO) Replacement Project:

1. The placement of fill in approximately 0.5 acre of the floodplain and floodway of Saint Johns Creek. The fill has maximum depth of 9 feet and is supported by a 230-foot long retaining wall having a maximum height of 9 feet. The fill is associated with proposed CSO which consists of a regulating chamber, disinfecting chamber, chemical building, concrete outfall channel and other appurtenant works.

2. The relocation of an existing sanitary sewer interceptor consisting of the construction of approximately 3,475 feet of new pipe varying in size from 12-inch diameter to 36-inch diameter PVC pipe in the floodway and floodplain of Saint Johns Creek. The project includes four sanitary sewer line crossings of Saint Johns Creek consisting of a 36-inch diameter, two 24-inch diameter and a 12-inch diameter concrete encased PVC pipes.

3. The construction of approximately 3,300-foot long, 8-wide temporary access road in the floodway and floodplain of Saint Johns Creek. The access road runs parallel with the interceptor and includes five temporary road crossings of Saint Johns Creek consisting of R-3 riprap placed at a depth of 9-inches.

The project begins at the intersection of SR 3011 and Mountain Road (Avoca, PA Quadrangle Latitude: 41° 22' 14"; Longitude: 75° 34' 52") and ends approximately 400 feet downstream of Oak Street (Scranton, PA Quadrangle Latitude: 41° 22' 42"; Longitude: 75° 44' 30") in Old Forge Borough, **Lackawanna County**.

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

E31-218: Huntingdon Borough, 530 Washington Street, P. O. Box 592, Huntingdon, PA 16652-0592, Huntingdon Borough WWTP, Smithfield Township, **Huntingdon County**, United States Army Corps of Engineers, Baltimore District.

To remove two 50-foot diameter clarifiers and a 155-foot by 55-foot cake barn building and then to construct and maintain two 63-foot diameter primary clarifiers, a 36-foot by 36-foot odor control facility building, a 36-foot by 36-foot mechanical thickener building, a 25-foot by 40-foot residual pump building, a 16-foot by 22-foot primary distribution box and sludge pump building, a 44-foot by 90-foot denitrification building, a 39-foot by 103-foot headwork building and a 50-foot by 147-foot cake barn building and associated pipings and improvements, to improve the conditions located in the Juniata

River's right bank 100-year floodway (Huntingdon, PA Quadrangle N: 18.20 inches; W: 0.35-inch, Latitude: 40° 28' 31"; Longitude: 78° 00' 09") in Smithfield Township, **Huntingdon County**.

E31-219: Spring Creek Joint Municipal Authority, P. O. Box 373, Three Springs, PA 17264, Spring Creek WWTP, Clay Township, **Huntingdon County**, United States Army Corps of Engineers, Baltimore District.

To: (1) remove two existing 3-foot diameter manholes, a 13-foot by 65-foot clarifier and a 13-foot by 13-foot chlorine tank; and (2) construct and maintain a 20-foot by 20-foot office and meeting room, a 10-foot by 10-foot post aeration blower pad, a 10-foot by 24-foot chemical room, a 15-foot by 15-foot SBR blower pad, a 20-foot by 32-foot building, a 30-foot by 60-foot SBR, a 40-foot by 150-foot reed bed/sludge drying bed at the existing Spring Creek WWTP along the left bank floodplain of Spring Creek (CWF) located just across the PA 994 and T-332 intersection (Orbisonia, PA Quadrangle N: 12.38 inches; W: 13.90 inches, Latitude: 40° 11' 33"; Longitude: 77° 58' 26") in Clay Township, Huntingdon County.

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

E30-227. Greensboro Monongahela Township Joint Sewage Authority, P. O. Box 342, Dawson, PA 15338. To construct a pump station and two utility line stream crossings under the channel bed in Monongahela Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Masontown, PA Quadrangle N: 10.6 inches; W: 9.9 inches, Latitude: 39° 48' 31"; Longitude: 79° 56' 43"). To construct and maintain the Mapletown Pump Station and approximately 600-foot long access road in the floodway of Whiteley Creek (WWF). To construct and maintain various utility line stream crossings and one wetland crossing under the channel bed of UNTs to Whiteley Creek in accordance with General Permit No. 5. The project is for construction of a sewage collection and treatment facility.

E65-921. Shag Bark Grove Real Estate, LP, 258 McDermott Road, Trafford, PA 15085. To construct a culvert and maintain sanitary sewer under the channel bed of Haymakers Run (HQ-CWF) in the Municipality of Murrysville, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Murrysville, PA Quadrangle N: 15.7 inches; W: 2.8 inches, Latitude: 40° 27' 45"; Longitude: 79° 38' 45"). To construct and maintain a 42-foot long box culvert having an opening width of 6 feet and a height of 6 feet (invert depressed 1-foot) in Haymakers Run (HQ-CWF) under the access road. To extend the existing 24-inch culvert for a total length of 20 feet at the both ends in a UNT to Haymakers Run. To construct and maintain sanitary sewer under the channel bed of Haymakers Run and said tributary. To impact an additional 12 linear feet of Haymakers Run and temporarily impact 0.02 acre of PEM wetland related to the installation of a sewer line and to fill 0.02 acre of PEM wetland for the placement of rip rap, for the proposed Shag Bark Residential Development.

ENVIRONMENTAL ASSESSMENTS

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

D62-004EA. Patricia McSparran, Bureau Director, Bureau of Waterways Engineering, P. O. Box 8460, Harrisburg, PA 17105-8460. Borough of Warren, **Warren**

County, United States Army Corps of Engineers, Pittsburgh District. Project proposes to breach and remove Conewango Dam (Carters Dam) across Conewango Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 3,100 feet of stream channel. The dam is located approximately 1,300 feet east of the intersection of US 62 and West Pennsylvania Avenue (US 6 Business) (Warren, PA Quadrangle N: 17.2 inches; W: 2.05 inches).

D10-004EA. Wild Waterways Conservation, 101 East Street, Zelienople, PA 16063. Jackson Township **Butler County**, United States Army Corps of Engineers, Pittsburgh District. Project proposes to breach and remove Harmony Junction Dam across Connoquenessing Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,200 linear feet of stream channel. The dam is located approximately 800 feet north of the intersection of SR 68 and Hartman Road (Evans City, PA Quadrangle Latitude: 40° 47' 50"; Longitude: 80° 06' 16").

D18-017EA. Scott Carney, Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823. Bald Eagle Township, **Clinton County**, United States Army Corps of Engineers, Baltimore District. Project proposes to breach and remove an unnamed dam across Fishing Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 200 feet of stream channel. The dam is located approximately 1,350 feet north of the intersection of SR 477 and SR 64 (Mill Hall, PA Quadrangle Latitude: 41° 05' 37"; Longitude: 77° 28' 45").

D11-071EA. Tim Golby, Authority Chairperson, 1202 Philadelphia Street, Northern Cambria, PA 15714-0488. Barr Township, **Cambria County**, United States Army Corps of Engineers, Pittsburgh District. Project proposes to breach and remove Shirf's Run Dam across a tributary to North Branch Blacklick Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,350 linear feet of stream channel. The dam is located approximately 1.7 miles southeast of the intersection of SR 271 and SR 553 (Colver, PA Quadrangle Latitude: 40° 35' 29"; Longitude: 78° 47' 37").

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control 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.

Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

ESCGP-1 No.	ESX09-051-0012
Applicant Name	Atlas Resources, LLC
Contact Person	Jeremy Hirtz
Address	800 Mountain View Drive
City, State, Zip	Smithfield, PA 15478
County	Fayette
Township	German
Receiving Streams and Classifications	UNT to Dunlap Creek, Other

ESCGP-1 No.	ESX09-129-0008
Applicant Name	Atlas Resources, LLC
Contact Person	Jeremy Hirtz
Address	800 Mountain View Drive
City, State, Zip	Smithfield, PA 15478
County	Westmoreland
Township	Sewickley
Receiving Streams and Classifications	Little Sewickley Creek, TSF, Other

ESCGP-1 No.	ESX09-125-0006
Applicant Name	Atlas Resources, LLC
Contact Person	Jeremy Hirtz
Address	800 Mountain View Drive
City, State, Zip	Smithfield, PA 15478
County	Washington
Township	West Bethelhem and Deemston
Receiving Streams and Classifications	UNTs to Tenmile and Plum Creeks, Other

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

ESCGP-1 No.	0809811-07 New number ESG09-015-0011-7
Applicant Name	Fortuna Energy
Contact Person	Tracy Gregory
Address	337 Daniel Zenker Drive
City, State, Zip	Horseheads, NY 14845
County	Bradford
Township	Troy
Receiving Streams and Classifications	South Branch Sugar Creek—TSF North Branch Towanda Creek—CWF

ESCGP-1 No.	5909803—New number ESG09-059-0003
Applicant Name	Fortuna Energy
Contact Person	Tracy Gregory
Address	337 Daniel Zenker Drive
City, State, Zip	Horseheads, NY 14845
County	Tioga
Township	Ward
Receiving Streams and Classifications	UNT to Fall Brook CWF

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2009, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Arick Amspacker	3262 Reeve Drive East Bethlehem, PA 18020	Testing
David Artigliere	P. O. Box 4475 Reading, PA 19606	Testing
Brian Bacchus	125 Twin Oak Drive Wexford, PA 15090	Testing
Jay Bauder	3 Yoder Lane Newmanstown, PA 17073	Mitigation
Thomas Biebel	2820 West 23rd Street Erie, PA 16506	Testing
Robert Blanchfield	2830 Stephens Street Easton, PA 18045	Testing
Deborah Buck	P. O. Box 63 Saylorsburg, PA 18353	Testing
Ellen Butkus	2291 Cable Hollow Road Russell, PA 16345	Testing
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing and Laboratory
Mark Dolph	515 SR 590 Roaring Brook Township, PA 18444	Testing
Kevin Dunkle	P. O. Box 211 Worthington, PA 16262	Testing
Bruce Eichenlaub Penoco, Inc.	485 East College Avenue Pleasant Gap, PA 16823	Mitigation
Todd Giddings & Associates, Inc.	3049 Enterprise Drive State College, PA 16801	Testing
Thomas Hollingsworth	6145 Hegerman Street Philadelphia, PA 19135	Mitigation
Housing Inspection Services, Inc.	P. O. Box 373 Murrysville, PA 15668	Testing
Randy Martin	P. O. Box 255 Mifflinburg, PA 17844	Testing and Mitigation
Robert Meyer, Jr.	247 Mine Bank Road Wellsville, PA 17365	Mitigation
Patrick Moran	1250 North Mountain Road Suite 306 Harrisburg, PA 17112	Testing
James Nase Moyer & Son, Inc.	P. O. Box 64198 Souderton, PA 18964	Testing
Richard Onega	333 Lindsay Road Zelienople, PA 16063	Testing
Michele Raab	1234 Herbert Road Meadowbrook, PA 19046	Testing
Fernando Ramos	P. O. Box 723 Effort, PA 18330	Testing
Brian Reuss HouseMaster Home Inspections	9125 Marshall Road Suite B-12 Cranberry Township, PA 16066	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Eric Rode	1050 Broad Street Montoursville, PA 17754	Testing
Brendan Ryan	216 Logan Road Valencia, PA 16059	Mitigation
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory
Fred Shaffer, III	304 Earl Drive, NW Warren, OH 44483	Testing
Tim Singleton	2483 Carriage Drive Lancaster, PA 17601	Testing
Dale Thorson	800 Antietam Drive Douglassville, PA 19518	Testing
ValueGuard, USA, Inc.	345 West Lancaster Avenue Haverford, PA 19041	Testing
Thomas Warman	393 Tri Hill Drive York, PA 17403	Testing
Terry Wilver	1015 Green Street Milton, PA 17847	Testing
Jeffrey Yocum	4351 Vera Cruz Road Center Valley, PA 18034	Testing
Jeffrey Zimmerman Gold Star Radon, Inc.	99 Kohler Road Kutztown, PA 19530	Mitigation
John Zym	205 West Saint Elmo Street Nazareth, PA 18064	Testing

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

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Watershed of Ross Run Indiana County

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the Watershed of Ross Run in Indiana County. The TMDL was established in accordance with the requirements of section 303(d) of The Clean Water Act. Streams within this watershed 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 Ross 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 (PA Keyword: TMDL). To request a copy of this TMDL, contact: Joe Boylan at joboylan@state.pa.us, or 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 July 12, 2009. A public meeting to discuss the technical merits of the TMDL will be held on Thursday, June 11, 2009, at 6 p.m. at the Marion Center Community Park Building, 22823 Route 403 Highway North, Marion Center, PA 15759.

[Pa.B. Doc. No. 09-1064. Filed for public inspection June 12, 2009, 9:00 a.m.]

Availability for Public Comment; Proposal to Establish a Mercury Thermostat Collection and Recycling Program

The Department of Environmental Protection (Department) has received a plan to establish a Mercury Thermostat Collection and Recycling Program (Program) from the Thermostat Recycling Corporation (TRC) of Arlington, VA. The submittal of this plan is required by the Mercury-Free Thermostat Act (act) (35 P.S. §§ 6030.1—6030.7). The TRC is a nonprofit organization that currently represents 25 manufacturers that have distributed over 60 brands of mercury thermostats. The TRC has supported a voluntary Program in this Commonwealth since 2000, resulting in the collection of over 37, 000 thermostats and the recycling of over 356 pounds of mercury.

Under the act requires each manufacturer of mercury thermostats that have been sold in this Commonwealth to, individually or collectively, establish and maintain a Department-approved collection and recycling program for out-of-service mercury thermostats from wholesalers, contractors and retailers, service technicians and home-

owners. This notice announces the opportunity for interested parties to review and comment on this proposed plan.

Written comments concerning TRC's proposed Program may be submitted to Glenn Mitzel, Department of Environmental Protection, Bureau of Waste Management, Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105. Public comments on this proposed plan must be received by July 13, 2009. Comments submitted by facsimile will not be accepted. Comments received within the comment period will be considered in the review and consideration for approval of TRC's Collection and Recycling Program. 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 the comment.

Persons interested in obtaining the more information or a paper copy of the proposed plan should contact Glenn Mitzel at glmitzel@state.pa.us or at (717) 787-6239. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984 to obtain a copy of the proposed plan or to submit comments. The proposed plan is also accessible on the Department's web site at www.depweb.state.pa.us (DEP Keyword: Mercury). The Department will provide public notice upon final approval of the plan.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1065. Filed for public inspection June 12, 2009, 9:00 a.m.]

Bid Opportunity

BOGM 09-6-SG, Installation of a Stray Gas Mitigation System, (Thomas J. Mangol Property), Tarentum Borough, Allegheny County. The principal items of work include installing a Stray Gas Mitigation System to the Department of Environmental Protection specifications and preparing and restoring the project site. This project issues on June 12, 2009, and bids will be opened on July 16, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1066. Filed for public inspection June 12, 2009, 9:00 a.m.]

Bid Opportunity

OSM 16(6204)101.1, Abandoned Mine Land Reclamation Project, New Athens North, Madison Township, Clarion County. The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, 1,290,000 cubic yards of grading, 2,000 square yards of limestone rock lining, 250 linear feet of 24 inch diameter smooth interior corrugated polyethylene pipe, wetland construction, 130 acres of Seeding and Erosion and Sediment Pollution Control Plan. This project issues on June 12, 2009, and bids will be opened on July 14, 2009, at 2 p.m. Bid documents cost

\$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1067. Filed for public inspection June 12, 2009, 9:00 a.m.]

Nitrogen Tire Inflation System Grant; Program Opportunity Notice

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for Nitrogen Tire Inflation System Grants under the Alternative Fuels Incentive Grant Program (Grant Program). The primary goals of this direct reimbursement Grant Program are to help improve vehicle fuel economy while reducing the consumption of imported oil, and to potentially extend vehicle tire wear over time. Deployment of fuel saving technologies also provides for opportunities to better manage our fuel and natural resources in a way that also improves our environment and enhances our quality of life. The Department is seeking applications for nitrogen tire inflation systems purchased and installed in the Commonwealth.

Funds awarded under the Grants Program can be used to reimburse a portion of the cost to purchase systems that deliver at least 95% nitrogen purity according to manufacturer specifications. Eligible applicants include automotive service providers who sell tires in the Commonwealth. Eligible applicants with 50% match of the total system cost may request up to \$5,000 reimbursement for systems purchased and installed after July 1, 2008.

The application package including guidance, instructions and application forms is available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. The application package is also available electronically on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords "Alternative Fuels").

Applications must be postmarked or received by 4 p.m. on August 28, 2009. Faxes will not be accepted. Use staples only, no binding or cover pages.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1068. Filed for public inspection June 12, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

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. 09-1069. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application of Mercy Suburban Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Suburban Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

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. 09-1070. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application of The NeuroSpine Center, LLP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The NeuroSpine Center, LP 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.

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. 09-1071. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-3.4.2.1(b) (relating to space in patient care area).

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, ra-paexcept@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 Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1072. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application of The Scranton Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Scranton Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.9-2.3.2.2 (relating to area and dimensions).

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, ra-paexcept@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 Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1073. Filed for public inspection June 12, 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):

Geisinger Health System
Hospital of the University of Pennsylvania
Kane Community Hospital
Pocono Medical Center

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.

These facilities are 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. 09-1074. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 569.35

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 requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

Eye Surgery Center of Chester County/Vision One Laser & Surgery Center
The NeuroSpine Center, LP
SurgiCenter at Ligonier
Trevoze Specialty Care Surgical Center, LLC

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.

These facilities are 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. 09-1075. Filed for public inspection June 12, 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 § 101.31(7) (relating to hospital requirements).

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

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. 09-1076. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application of The Western Pennsylvania Hospital—West Penn Allegheny Oncology Network—Cercone 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—West Penn Allegheny Oncology Network—Cercone has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-5.2.1.1(1) (relating to corridor width).

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, ra-paexcept@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 Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1077. Filed for public inspection June 12, 2009, 9:00 a.m.]

Application of West Shore Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Shore Endoscopy 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 request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This 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. 09-1078. Filed for public inspection June 12, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.18(e) and 205.38(d) (relating to management; and toilet facilities).

UPMC Northwest Transitional Care Unit
100 Fairfield Drive
Seneca, PA 16346
FAC ID 151002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Main Line Nursing and Rehabilitation Center
283 East Lancaster Avenue
Malvern, PA 19355
FAC ID 137702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Cranberry Place
5 St. Francis Way
Cranberry Township, PA 16066

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.38(b) and 201.17 (relating to toilet facilities; and location).

Memorial Medical Center
320 Main Street
Johnstown, PA 15901

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@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 15 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 require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1079. Filed for public inspection June 12, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

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, 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.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-96	Pennsylvania Gaming Control Board Revised Procedures	6/3/09	7/9/09

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
6-317	State Board of Education Special Education Services and Programs—General Provisions	6/3/09	7/9/09
6-320	Department of Education General Provisions and Supervision	6/3/09	7/9/09
6-319	Department of Education Pennsylvania Pre-K Counts Requirements, Standards, and Procedures	6/3/09	7/9/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1080. Filed for public inspection June 12, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Medical Liability Agency under Act 143; Medical Protective Com- pany; Doc. No. AT09-05-028

A prereview telephone conference initiated by this office is scheduled for August 4, 2009, at 10 a.m. A date for the review of the agency contract termination shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 20, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before August 3, 2009.

Persons with a disability who wish to attend the above-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1081. Filed for public inspection June 12, 2009, 9:00 a.m.]

GEICO General Insurance Company; Private Pas- senger Automobile; Rate Revisions; Rate Filing

On May 27, 2009, the Insurance Department (Department) received from GEICO General Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 4.1% increase amounting to \$7.63 million annually, to be effective June 22, 2009, for new business and August 21, 2009, for renewal business.

Unless formal administrative action is taken prior to July 26, 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. 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 Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, 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. 09-1082. Filed for public inspection June 12, 2009, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the 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 William E. O'Bryant; file no. 09-183-69208; Nationwide Mutual Insurance Company; Doc. No. P09-05-017; July 29, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony 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. 09-1083. Filed for public inspection June 12, 2009, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has 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 Pittsburgh, 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 Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Karen Vargo; file no. 09-181-69537; Farmers Mutual Fire Insurance Company; Doc. No. P09-05-026; August 26, 2009, 3 p.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. 09-1084. Filed for public inspection June 12, 2009, 9:00 a.m.]

Sugar Creek Rest, Inc.; Prehearing

Appeal of Sugar Creek Rest, Inc. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-05-027

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 18, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 8, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 16, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings

Administrator on or before July 14, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 1, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 15, 2009.

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. 09-1085. Filed for public inspection June 12, 2009, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Meetings Scheduled and Application Cut-Off Dates

The Fiscal Year 2009-2010 regular meetings and application cut-off dates of the Pennsylvania Infrastructure Investment Authority (PENNVEST) have been scheduled. The Board meetings will begin at 10:30 a.m. on the stated meeting dates.

<i>Application Cut-Off Dates</i>	<i>Board Meeting Dates</i>	<i>Locations</i>
May 18, 2009	July 21, 2009	Governor's Residence
August 18, 2009	October 27, 2009	Dixon University Center
November 17, 2009	January 26, 2010	Governor's Residence
February 16, 2010	April 20, 2010	Dixon University Center
May 18, 2010	TBD	TBD

Governor's Residence
2035 North Front Street
Harrisburg, PA

Dixon University Center
Richards Hall Recital Room
2986 North Second Street
Harrisburg, PA

Funding applications must be received by 5 p.m. on the stated cut-off dates following PENNVEST procedures.

Persons requiring ADA accommodations at the Board Meetings should contact Kathlyn Domitrovich at (717) 783-4494.

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 09-1086. Filed for public inspection June 12, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Final Order

Public Meeting held
May 28, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzigrilli;
Wayne E. Gardner; Robert F. Powelson

*Implementation of Act 129 of 2008; Phase 4—
Relating to the Alternative Energy Portfolio
Standards Act; Doc. No. M-2009-2093383*

Final Order

By the Commission:

This Final Order establishes procedures and guidelines related to this phase of the Pennsylvania Public Utility Commission's implementation of Act 129 of 2008. In addition to the creation of an energy efficiency and conservation program, Act 129 expanded the definition of alternative energy sources in the Alternative Energy Portfolio Standards Act that qualify as Tier I alternative energy resources.¹ The General Assembly also charged the Commission with increasing, at least quarterly, the percentage share of Tier I resources to be sold by electric distribution companies and electric generation suppliers to reflect the new Tier I resources. This Final Order establishes guidelines for qualifying the additional Tier I resources, reporting requirements and related procedures for the Commission to follow in making the required adjustments to the Tier I percentage requirements electric distribution companies and electric generation suppliers must meet.

Background and History of this Proceeding

Governor Edward Rendell signed the Alternative Energy Portfolio Standards Act of 2004, P. L. 1672, No. 213, ("AEPS Act") into law on November 30, 2004. 73 P. S. §§ 1648.1 *et seq.* The AEPS Act, which took effect on February 28, 2005, established an alternative energy portfolio standard for Pennsylvania. Generally, the Act requires that an annually increasing percentage of electricity sold to retail customers in Pennsylvania by electric distribution companies ("EDCs") and electric generation suppliers ("EGSS") be derived from alternative energy resources. The Commission has been charged with using its general powers to carry out, execute and enforce the provisions of the AEPS Act. The Pennsylvania Department of Environmental Protection ("DEP") has been specifically charged with ensuring compliance with all environmental, health and safety laws and standards relevant to the AEPS Act's implementation. The Commission and the DEP are to jointly monitor compliance with the Act, the development of the alternative energy market, the costs of alternative energy and to conduct an ongoing alternative energy planning assessment. The Commission and the DEP are to report their findings and any recommendations for changes to the Act to the General Assembly on a regular basis.

Governor Edward Rendell signed Act 129 of 2008, P. L. 1592, ("Act 129") into law on October 15, 2008, which took effect 30 days thereafter on November 14, 2008. Section 5 of Act 129 adds Section 2814 to the Pennsylvania Public

¹ See Act 129 of 2008, section 5, codified in the *Pennsylvania Consolidated Statutes* at 66 Pa.C.S. § 2814.

Utility Code. *See* 66 Pa.C.S. § 2814. Section 2814 expands the types of alternative energy sources that qualify as Tier I alternative energy sources under the AEPS Act to include specific categories of low impact hydropower and biomass energy. 66 Pa.C.S. § 2814(a) and (b). Section 2814 also requires the Commission to increase, at least quarterly, the percentage share of Tier I resources to be sold by EDCs and EGSs to reflect any new Tier I resources added as a result of this amendment. 66 Pa.C.S. § 2814(c).

On April 16, 2009, the Commission adopted a Tentative Order² that proposed procedures and guidelines for low-impact hydropower facilities and generators utilizing by-products of pulping and wood manufacturing processes to follow in order to qualify as a Tier I resource. The Tentative Order also proposed reporting requirements and related procedures that the Commission will use to adjust the AEPS Act Tier I requirements EDCs and EGSs must meet to account for the newly qualified Tier I resources. The Tentative Order requested comments on the proposed procedures and guidelines and directed that the comments be submitted within 20 days of order entry.³ Comments were received from Constellation NewEnergy, Inc. (“Constellation”), Iberdrola Renewables, Inc. (“Iberdrola”), Pennsylvania Renewable Resources, Associates (“Pa. Renewable”), UGI Utilities, Inc.—Electric Division (“UGI”), and West Penn Power Co., d/b/a Allegheny Power (“Allegheny”).

Discussion

With this Final Order the Commission establishes procedures and guidelines for low-impact hydropower facilities, and generators utilizing by-products of pulping and wood manufacturing processes to follow to qualify as an AEPS Act Tier I resource. This Final Order also establishes additional reporting requirements and related procedures that EDCs and EGSs must follow. The Commission also establishes procedures that will be employed to increase the AEPS Act nonsolar photovoltaic (“PV”) Tier I percentage requirement on a quarterly basis to account for the newly eligible sources, as required under 66 Pa.C.S. § 2814. The procedures and guidelines established in this Order are effective upon entry of this Order and shall be implemented during the 2009-2010 AEPS Act compliance year beginning June 1, 2009, and each subsequent compliance year.

A. Alternative Energy Resource Qualification

Section 2814 expands the type of alternative energy sources that qualify as Tier I resources under the AEPS Act by also including certain categories of low-impact hydropower and biomass energy. *See* 66 Pa.C.S. § 2814(a) and (b). The General Assembly established specific criteria these alternative energy sources must meet to qualify as a Tier I resource. The Commission is establishing the following specific reporting requirements and related procedures for qualifying the output of these sources as Tier I alternative energy credits (“AECs”).

1. Low-Impact Hydropower Facilities

Section 2814 expands the low impact hydropower category of “alternative energy sources” in Section 2 of the AEPS Act⁴ to include low-impact hydropower with a maximum capacity of 21 megawatts that were licensed by the Federal Energy Regulatory Commission (“FERC”) on or prior to January 1, 1984, and held, at least in part, by

a Commonwealth municipality or electric cooperative on July 1, 2007. 66 Pa.C.S. § 2814(a)(1). The Commission interprets this language in Act 129 as supplementing the definition of qualifying low-impact hydropower, rather than replacing the existing definition of low-impact hydropower. As such, all previously qualified and any other low-impact hydropower that meets the definition of low-impact hydropower found in Section 2 of the AEPS Act, 73 P. S. § 1648.2, will continue to qualify as a Tier I alternative energy resource.

To qualify as a Tier I low-impact hydropower alternative energy source, any facility that meets the criteria contained in 66 Pa.C.S. § 2814(a) must submit an application with supporting documentation to the Commission’s AEPS program administrator. This application requirement applies regardless of whether the facility is already qualified as a Tier II resource. Allegheny recommended that once a qualifying low-impact hydro or biomass facility becomes a Tier I resource that facility can no longer be considered a Tier II resource. The Commission agrees and definitively establishes that once a facility qualifies as a Tier I resource, any output from the Tier I certification date forward can no longer be used to satisfy a Tier II requirement. In addition, each facility qualified under 66 Pa.C.S. § 2814(a) must comply with the reporting requirements outlined below in Section B of this order.

2. Biomass Facilities

Section 2814 supplements the definition of “biomass energy” in Section 2 of the AEPS Act⁵ to include electricity generated “utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignins in spent pulping liquors.” 66 Pa.C.S. § 2814(b). Section 2814 further states that “[e]lectricity from biomass energy under this subsection generated inside this Commonwealth shall be eligible as a Tier I alternative energy source.” *Id.* Finally, Section 2814 states that “[e]lectricity from biomass energy under this subsection generated outside this Commonwealth shall be eligible as a Tier II alternative energy source.” *Id.*

The Commission notes that Section 2 of the AEPS Act, 73 P. S. § 1648.2, defines Tier II alternative energy sources as including the “[g]eneration of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors.” Therefore, any facility located in this Commonwealth that generates electricity by utilizing by-products of the pulping process and wood manufacturing desiring to be qualified as a Tier I resource must submit an application with supporting documentation to the Commission’s AEPS program administrator. This application requirement applies regardless of whether the facility is already qualified as a Tier II resource. Again, as noted previously, once a facility qualifies as a Tier I resource, any output from the Tier I certification date forward, can no longer be used to satisfy a Tier II requirement. In addition, each facility qualified under 66 Pa.C.S. § 2814(b) must comply with the reporting requirements outlined below in Section B of this order.

B. Adjustment to Tier I Alternative Energy Source Requirements

Section 2814(c) specifically requires this Commission to increase, at least quarterly, the percentage share of EDC and EGS Tier I requirements in Section 3 of the AEPS

² Order entered on April 17, 2009 at the above-referenced docket number.

³ As the Tentative Order was entered on April 17, 2009, comments were due by May 7, 2009.

⁴ 73 P. S. § 1648.2.

⁵ 73 P. S. § 1648.2.

Act⁶ to reflect any new low-impact hydropower and biomass resources that qualify as a Tier I resource. 66 Pa.C.S. § 2814(c). Furthermore, Section 2814 states that no new qualifying low-impact hydropower or biomass facilities “shall be eligible to generate Tier I alternative energy credits until the Commission has increased the percentage share of Tier I to reflect these additional resources.” *Id.* In this section the Commission establishes its procedures for determining the amount and frequency of the increase in nonsolar PV Tier I percentage requirements.

At the outset, we note that there are several steps that must be taken before we can adjust the percentage shares stated in Section 3 of the AEPS Act and § 75.61(b) of the Commission’s regulations on a quarterly basis. These steps are necessary as the AEPS Act’s Tier I percentage shares apply to EDC and EGS sales of generation and not to the generation from qualified alternative energy sources.

The Commission believes that as the General Assembly required adjustments to the Tier I requirements on at least a quarterly basis, such adjustments must be based on the actual output of the newly qualified low-impact hydropower and biomass in relation to the actual EDC and EGS sales. As such, the Commission will initially be calculating each EDC’s and EGS’ nonsolar PV Tier I requirements on at least a quarterly basis. This quarterly adjustment will coincide with the AEPS Act compliance year quarters.⁷ Each EDC’s and EGS’ quarterly nonsolar PV Tier I requirements will be added together at the end of the compliance year to determine its total annual nonsolar PV Tier I requirements.

UGI commented that Act 129 did not impose a new quarterly AEPS compliance requirement, stating that the annual Tier I requirement should equal the total of the quarterly requirements. The Commission agrees with UGI and stresses that EDCs and EGSs will not have to demonstrate compliance with the AEPS Act nonsolar PV Tier I requirements until the compliance year true-up period, as outlined in 52 Pa. Code § 75.61(e) and (c). We also note that total Tier I solar PV and Tier II requirements will be computed only annually under existing procedures. *See* 52 Pa. Code § 75.61.

The Commission believes that it was not the intent of the General Assembly for Act 129 to increase the Tier I solar PV requirements, as the expanded Tier I eligible resources are nonsolar resources. As such, the Commission will calculate each EDC’s and EGS’ Tier I solar PV requirements based on the annual Tier I solar PV requirements contained in 52 Pa. Code § 75.61(b). For example, for compliance year 2009-2010 the Tier I requirement is 2.5% of all retail sales, of which at least 0.0120% must come from solar PV. Assuming that EDC X had total annual retail sales of 4,800,000 MWh, EDC X would have a total annual Tier I solar PV requirement of 576.⁸

The Commission will determine each EDC’s and EGS’ new quarterly nonsolar PV Tier I requirements as follows:⁹

⁶ 73 P.S. § 1648.3(b)(1).

⁷ The quarters will be as follows: 1st quarter—June, July and August; 2nd quarter—September, October and November; 3rd quarter—December, January and February; and 4th quarter—March, April and May.

⁸ $4,800,000 \times 0.000120 = 576$. As noted by UGI and Constellation, the solar PV calculation in the Tentative Order incorrectly calculated the solar PV requirement as a percentage of the Tier I requirement, as opposed to a percentage of total sales. The solar PV calculation in this Final Order calculates the annual solar PV requirement as a percentage of total annual sales, consistent with our regulations.

⁹ The three steps were revised as requested by Constellation to further clarify that these quarterly calculations apply only to determining each EDC’s and EGS’ nonsolar PV Tier I requirements on a quarterly basis.

1. The nonsolar PV Tier I quarterly percentage increase equals the ratio of the available new Tier I¹⁰ megawatthour (“MWh”) generation to total quarterly EDC and EGS MWh retail sales (New Tier I MWh generation/ EDC and EGS MWh retail sales = nonsolar PV Tier I % increase).

2. New quarterly nonsolar PV Tier I requirement equals the sum of the new nonsolar PV Tier I percentage increase and the annual nonsolar PV Tier I percentage requirement in 52 Pa. Code § 75.61(b) (nonsolar PV Tier I % increase + annual nonsolar PV Tier I % = new quarterly nonsolar PV Tier I % requirement).

3. EDC and EGS quarterly MWh retail sales multiplied by the new quarterly nonsolar PV Tier I requirement (EDC and EGS quarterly MWh x new quarterly nonsolar PV Tier I % = EDC and EGS quarterly nonsolar PV Tier I requirement).

To demonstrate this quarterly adjustment calculation for the first quarter in the 2009-2010 compliance year, assume that the total EDC and EGS MWh retail sales for the quarter is 4,130,000 MWh and the total new nonsolar PV Tier I MWh generation for the quarter is 132,000 MWh. Also assume that the total quarterly MWh retail sales of EDC X is 1,200,000 MWh. The quarterly adjustment calculation for EDC X would be as follows:

$$1. 132,000/4,130,000 = 0.032 \text{ or } 3.2\%.$$

2. $0.032 + 0.02488^{11} = 0.05688$ or 5.688% of total retail sales.

3. $1,200,000 \times 0.05688 = 68,256$ total nonsolar Tier I credits required for the quarter. (Prior to adjustment total nonsolar PV Tier I credits required would have been 29,856 ($1,200,000 \times 0.02488$) for a difference of 38,400 nonsolar PV Tier I credits.)

In the Tentative Order, we had proposed that EDCs and EGSs report sales figures on a monthly basis by the fifteenth day of the following month, to accomplish the quarterly adjustments as described above. Constellation recommended that as the Commission is computing the new Tier I requirements on a quarterly basis, sales figures should be reported on a quarterly basis as well. In addition, UGI requested that sales reports be provided by the twentieth day to allow EDCs and EGSs sufficient time to collect and consolidate meter data. The Commission agrees with Constellation and UGI in principal and notes that as there will be limited need to audit the EDC and EGS data, receipt of monthly data on a quarterly basis will be adequate to complete the quarterly calculations in a timely manner. The Commission is requiring monthly data to facilitate further analysis of the effect the new Tier I facilities have on the nonsolar PV Tier I AEC market, that may reveal a requirement for more frequent adjustments. Consequently, the Commission directs all EDCs and EGSs with AEPS compliance requirements to report monthly retail sales data to the Commission’s AEPS program administrator on a quarterly basis. The monthly retail sales figures for each quarter are to be submitted to the AEPS program administrator by the Twentieth day¹² after the end of each quarter.

Allegheny suggested that the Commission consider using EDC and EGS total quarterly generation figures

¹⁰ These are from the new Tier I facilities that qualify under 66 Pa.C.S. § 2814(a) and (b).

¹¹ Under 52 Pa. Code § 75.61(b)(4) the following are the Tier I requirements for the 2009-2010 compliance year. The Tier I requirement is 2.5% of all retail sales. This includes 0.0120% solar photovoltaic. Therefore, the nonsolar PV Tier I requirement is 2.488%.

¹² If the twentieth day falls on a weekend or holiday, the report is due the next business day.

that include an average line-loss of 7.5 percent to calculate the quarterly adjustment. The Commission declines to follow Allegheny's suggestion as the AEPS Act requires that the Tier I and Tier II compliance requirements be based on electric energy sold to retail electric customers, not the total generation used by an EDC or EGS to meet customer demand. See 73 P. S. § 1648.3(b). In addition, if the Commission were to adopt Allegheny's suggestion, the Commission would be compelled to base total EDC and EGS Tier I and Tier II compliance requirements on total annual generation, plus line-loss, used by EDCs and EGSs to be consistent, which the Commission declines to do.

In addition, all facilities qualifying as a Tier I resource under 66 Pa.C.S. § 2814(a) and (b) must provide the Commission, on a monthly basis, sufficient information for the Commission to determine the amount of generation that qualifies for Tier I credits. This information will include at least the following:

1. The facility's total generation from qualifying alternative energy sources for the month in MWh, broken down by source;
2. The amount of AECs sold in the month to each EDC and EGS with a compliance obligation under the AEPS Act;
3. The amount of AECs sold in the month to any other entity, including utilities, suppliers and users for compliance with another state's alternative/renewable energy portfolio standard or sold on the voluntary market. Listing each AEC and the entity they were transferred to;
4. The amount of AECs created and eligible for sale during the month but not yet sold;
5. The sale or other disposition of AECs created in prior months and transferred in the month—broken down by compliance status (Pennsylvania AEPS, other state compliance, voluntary market).

The Commission intends to limit the Tier I percentage share modifications to exclude credits which are committed for compliance with another state's portfolio standard or are not otherwise available to be used for Pennsylvania compliance. See 73 P. S. § 1648.4 and 52 Pa. Code § 75.63(c). Credits unavailable to EDCs and EGSs for Pennsylvania AEPS Act compliance are no different than unused generation capacity and must therefore be excluded from consideration when increasing the Tier I percentage requirement. The Commission believes that it was the intent of the General Assembly that the addition of any new Tier I resources have a neutral impact on the value of Tier I credits. As such, including only those credits that are available for AEPS Act compliance in the calculation of the Tier I percentage requirement will accomplish this intent. The monthly reporting data listed above will be used to identify the amount of credits available for Pennsylvania AEPS Act compliance by subtracting from the total credits produced in a month, credits sold to entities for compliance with another state's alternative/renewable energy portfolio standard, sold on the voluntary market or not otherwise available for Pennsylvania compliance.

Iberdrola recommended that for the sake of simplicity and certainty, the Commission adjust the nonsolar PV Tier I compliance requirement on the total eligible generation from the new Tier I facilities. Iberdrola suggested that it may be impossible to determine the ultimate use of AECs as the new Tier I facilities may sell their AECs to brokers or third-parties that may resell them to parties that will not use them for compliance with the AEPS Act.

The Commission declines to follow Iberdrola's suggestion at this time as we anticipate the ability to adequately determine the ultimate use of AECs through GATS and the requested data provided by the new Tier I facilities. In fact, we are directing that these new facilities provide the data on a monthly basis to allow staff and the AEPS program administrator an opportunity to review and audit the data as necessary to verify and accurately identify the number of AECs that are available for Pennsylvania compliance.

Pa. Renewables requested that the Commission clarify when it considers a sales transaction to be complete for purposes of the reporting requirements. Pa. Renewables noted that a sale of an AEC may be deemed effective under the following conditions: upon a verbal agreement; execution of a written agreement; or when the AECs have been transferred to the buyer's account. All of these events may occur on different dates and in different months. The Commission recognizes the confusion this may cause and will define the date an AEC is considered sold to be the date it is transferred into the buyer's GATS account. The Commission believes this is the appropriate date as it takes affirmative action by both parties to effectuate the transfer of AECs between GATS accounts, which evidences the undisputed transfer of the AECs.

The new Tier I facilities must provide this information to the Commission's Bureau of Conservation, Economics and Energy Planning ("CEEP") and to the Commission's AEPS program administrator by the twentieth day¹³ of the following month. CEEP may prepare a form (or a facility specific form) consistent with the order and direct each facility to report this information using such form(s). All such information is subject to audit by the Commission or its AEPS program administrator.

Pa. Renewables noted that its monthly information is typically received from GATS between the thirteenth and fifteenth day of the following month and requested that facilities be permitted to electronically report their data. The Commission appreciates Pa. Renewables situation and has extended the reporting deadline from the fifteenth day to the twentieth day of the following month. In addition, the Commission directs staff and the AEPS program administrator to work with facilities that have reporting requirements as a result of this Order to facilitate the timely and accurate reporting of the requested data.

These facilities must also provide the Commission's AEPS program administrator access to the facility's GATS account so that the program administrator can track and confirm the number of additional Tier I credits available for Pennsylvania AEPS compliance. Any alternative energy facility certified under 66 Pa.C.S. § 2814(a) and (b) that fails to report its qualifying generation for any given month will be disqualified from generating Tier I credits for the quarter in which that month falls. As directed in Section A above, these facilities can only be considered Tier I resources and are therefore precluded from generating either Tier I or Tier II credits during this period, even though they may have previously been qualified as a Tier II facility.

Pa. Renewables suggested that the Commission provide notice and a three to five day opportunity for a facility to cure its failure to provide the above-requested data. The Commission declines to follow Pa. Renewables' suggestion. However, the Commission directs the AEPS program administrator to notify the facility contact in writing that

¹³ If the twentieth day falls on a weekend or holiday, the report is due the next business day.

the facility has failed to comply with the directives of this Order and state the penalty to be imposed and the appeal process consistent with 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff).

An open and transparent Tier I credit market is essential to maintaining market integrity. In addition, all EDCs, EGSs and Tier I facilities will need to know what the quarterly requirements are in a timely manner to meet the AEPS Act requirements at a reasonable price. To facilitate the need for an open and transparent Tier I market, the Commission intends to post each new quarterly nonsolar PV Tier I percentage requirement on the Commission's AEPS Web Site at <http://paaeps.com/credit/> and in the *Pennsylvania Bulletin* within 45 days of the end of each quarter.

Iberdrola recommended that the Commission and its AEPS program administrator work directly with the PJM-GATS administrator to ensure the timing of the creation of credits from newly qualified nonsolar PV Tier I facilities is consistent with the first date on which the Commission adjusts the nonsolar PV Tier I requirements. The Commission interprets Iberdrola's comment to preclude the creation of any Tier I credits from a newly qualified facility until after the Commission has actually accomplished at least one quarterly adjustment. The Commission declines to adhere to such a strict regimen for the reasons discussed below.

First, as described in detail above, the Commission must have data from the newly qualified facilities, EDCs and EGSs before it can even determine the quarterly adjustment. Second, the Commission cannot determine what facilities are eligible until these facilities actually apply to be certified as a Tier I resource, after which, they cannot generate Tier II credits. To prevent these new facilities from producing Tier I credits during the initial three-month period would be unjust and unreasonable. Third, this Order establishes procedures that exclude any credits from uncertified facilities, from facilities that fail to report their data, or that are otherwise unavailable for Pennsylvania AEPS Act compliance. These procedures protect existing Tier I facilities from a precipitous drop in credit prices due to a flood of ineligible credits. Finally, it must be stressed that the AEPS compliance requirements are annual requirements. Total compliance requirements are not established until the end of the compliance year, after which, EDCs and EGSs have close to 90 days to purchase adequate credits to meet their requirements. As such, momentary increases in the availability of nonsolar PV Tier I credits prior to any quarterly adjustment will, at most, have a limited and only momentary effect on Tier I credit prices.

Conclusion

The Commission believes that the procedures and guidelines established in this Order capture the General Assembly's intent for the limited expansion of qualifying nonsolar PV Tier I alternative energy sources. In addition, the procedures contained in this Order for calculating the increase in the percentage share of nonsolar PV Tier I requirements in proportion to the increase in the number of new nonsolar PV Tier I resources available accurately captures the General Assembly's intent to allow for an expansion of qualifying nonsolar PV Tier I resources without adversely affecting the previously established nonsolar PV Tier I resources credit prices. *Therefore,*

It Is Ordered That:

1. The procedures outlined in this Order become effective upon the entry of this Order and be implemented

beginning with the 2009-2010 Alternative Energy Portfolio Standards Act compliance year that starts June 1, 2009.

2. All electric distribution companies and electric generation suppliers that have Alternative Energy Portfolio Standards Act compliance requirements comply with the procedures and reporting requirements established in this Order.

3. All alternative energy facilities that qualify as a Tier I alternative energy source under 66 Pa.C.S. § 2814(a) and (b) comply with the reporting procedures and reporting requirements established in this Order.

4. This Final Order be published in the *Pennsylvania Bulletin* and a copy served on all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Pennsylvania Department of Environmental Protection, all parties upon which the Tentative Order, entered April 17, 2009, was served and any party that filed comments under this Docket Number.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1087. Filed for public inspection June 12, 2009, 9:00 a.m.]

Order

Public Meeting held
May 28, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli; Wayne E. Gardner; Robert F. Powelson

*Recalculation of the Pennsylvania Telecommunications
Relay Service Surcharge; Doc. No. M-2009-2092963*

Order

By the Commission:

Pursuant to our May 29, 1990, Order at Docket No. M-00900239 establishing the Pennsylvania Telephone Relay Service (Relay)¹ and surcharge funding mechanism (TRS surcharge) and subsequent legislation,² we have completed the annual recalculation of the TRS surcharge as it will apply to residence and business wireline access lines for July 1, 2009, through June 30, 2010. The monthly residential and business monthly wireline access line surcharge will remain set at \$0.08 and \$0.08, respectively.

Background

The annual TRS recalculation is dependent on data from several sources. Local Exchange Carriers (LECs)³ submitted annual wireline access line counts per 52

¹ Additional information on TRS may be found at http://www.puc.state.pa.us/telecom/telecom_relay_service.aspx

² See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telephone Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP) to be funded in part by the TRS surcharge. PMASP is a reading service for persons with certain vision and physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act."

³ LEC includes both incumbent local exchange carriers and competitive local exchange carriers. Fifty-five (55) LECs had not submitted access line counts as of the date of preparation of this order; therefore, access line counts are estimated for surcharge calculation purposes. Noncompliant LECs are referred to the Commission's Law Bureau prosecutory staff.

Pa. Code § 63.37. The Relay Provider, AT&T Communications of Pennsylvania, LLC, submitted the estimated minutes of use and charges for July 1, 2009, through June 30, 2010. Hamilton Telecommunications submitted the estimated minutes of use report for the captioned telephone relay service (CTRS). The Executive Director of the Office of Vocational Rehabilitation (OVR) in the Department of Labor and Industry submitted the 2009-2010 TDDP budget and the 2009-2010 PMASP budget. The surcharge also funds the TRS Advisory Board activities and Fund administration costs. U.S. Bank,⁴ the Fund Administrator, provided a statement of the financial status of the Fund.⁵

Calculation for 2009-2010

Wireline access lines reported by LECs for 2008 and adjusted for Centrex lines are 6,841,340, (3,758,229 residence and 3,083,111 business). Based upon the number of access lines, projected program costs (Relay, CTRS, TDDP, and PMASP), anticipated Relay Advisory Board expenses, TRS Fund administration costs, and the financial status of the TRS Fund, the 2009-2010 residential and business monthly wireline access line will continue to be set at the surcharge rates of \$0.08 and \$0.08, respectively. All LECs shall continue to remit TRS surcharge revenues to the Fund Administrator.⁶ Since the 2009-2010 surcharge remains the same as the 2008-2009 rate \$0.08, tariff supplements are not required.

Effective July 1, 2009, the monthly surcharge collected shall be remitted and allocated to each fund account on a percentage basis as follows:⁷

2008-2009 Monthly Surcharge Percentage

	<i>Residence %</i>	<i>Business %</i>
Relay	98.0	98.0
TDDP	0.0	0.0
PMASP	2.0	2.0
Total Percentage	100.0	100.0

Operations for 2009-2010

We shall continue our active oversight of the operations of the Pennsylvania Relay, (traditional, speech-to-speech, and captioned telephone). Further, in accordance with 35 P. S. §§ 6701.3a and 4, we shall continue to collaborate

⁴ As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

⁵ Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. Relay Advisory Board, CTRS, and outreach activities are funded from the Relay account; Fund administration draws from each respective account.

⁶ U.S. Bank Institutional Trust & Custody, Attn: Sue Massey, EX-PA-WBSP, 50 South 16th Street, 20th Floor, Philadelphia, PA 19102, payable to the "PA Relay Service Fund" and designated for Relay. Wire instructions effective September 11, 2006, can be found on the remittance form.

⁷ The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay, TDDP and PMASP).

with OVR and its TDDP administrator⁸ to ensure adequate funding for distribution of TDDP equipment to low-income households. Further, we shall continue to assist OVR in its mission to ensure adequate funding for PMASP.

Audits

On May 29, 2003, the Commission authorized an audit of the TRS fund. The scope of this audit has expanded to include the fiscal periods 2006-2007 and 2007-2008. On August 7, 2003, a Commission Secretarial Letter required AT&T to file, on or before May 1st of each year, a Statement of Actual Underlying Costs of the PA TRS for the prior completed period of July 1 through June 30. The Bureau of Audits is currently auditing the PA TRS underlying costs for the 12 months ended June 30, 2007. The Bureau of Audits anticipates the start of the fiscal year 2007-2008 TDDP audit activity shortly. When finished, the results of the audits will be reported by Audits under a separate report.

Conclusion

The Commission has completed the annual recalculation of the TRS Surcharge. The surcharge to be applied beginning July 1, 2009, through June 30, 2010, will remain at \$0.08 for residential and business wireline access lines; *Therefore,*

It Is Ordered That:

1. For the period of July 1, 2009, through June 30, 2010, the residence surcharge per wireline access line per month shall be \$0.08 and the business surcharge per wireline access line per month shall be \$0.08, unless we take further action to revise the TRS surcharge prior to June 30, 2010.

2. All local exchange carriers are directed to use the attached form to remit the monthly TRS surcharge collections to U.S. Bank, Institutional Trust & Custody.

3. A copy of this Order be served upon all local exchange carriers, AT&T Communications Company of Pennsylvania, LLC, Hamilton Telecommunications, U.S. Bank Institutional Trust & Custody, the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

4. A copy of this Order be published in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted to the Commission's web site.

JAMES J. MCNULTY,
Secretary

⁸ As of January 1, 2007, the TDD program is administered by Pennsylvania's Initiative on Assistive Technology (PIAT), Institute on Disabilities, Temple University (IDT).

REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS
Effective July 1, 2009 through June 30, 2010 M-2009-2092963 Bp8 Case ID 2092963

All local service providers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month using the following format for the monthly remittance:

Pennsylvania TRS Surcharge

For the Month Ending _____

Number of **Residential** access lines _____
X \$0.08 per line _____

Allocated:
TRS Relay 98.0 percent _____
TDDP 0.0 percent _____
PMASP 2.0 percent _____

Number of **Business** access lines _____
X \$0.08 per line _____

Allocated:
TRS Relay 98.0 percent _____
TDDP 0.0 percent _____
PMASP 2.0 percent _____

Total Remittance _____

Make check payable to: Pennsylvania TRS Fund

Mail Report and payment to:	Wire Instructions:
U.S. Bank Institutional Trust & Custody Sue Massey EX-PA-WBSP 50 South 16 th Street, 20 th Floor Philadelphia, PA 19102	BANK U.S. Bank N.A ADDRESS 60 Livingston Avenue, St Paul MN 55107-2292 ABA 091 000 022 BNF ITC Depository South & East ACCOUNT 173 103 781 832 OBI PA Relay ATTN: Sue Massey

Remittance for: Company Name(s): _____
Contact Person: _____
Voice Phone Number: (____) _____ FAX: (____) _____
E-mail address _____

Authorized Signature: _____ *Date:* _____

Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850 or ejeschke@state.pa.us.

Rescission Order

Public Meeting held
May 14, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Fleehar George H. (2006 Annual Rpt);
Doc. No. C-2008-2036697; A-230114*

Rescission Order

On March 17, 2009, the Commission entered a Default Order at this docket against Fleehar George H. (the "Respondent"), a wastewater utility certificated at A-230114, for failure to file its 2006 Annual Report. The Default Order was published in the *Pennsylvania Bulletin* on April 4, 2009, at 39 Pa.B. 1789. The Respondent, on May 5, 2009, advised that it had submitted its 2006 Annual Report on October 27, 2008, and this fact has been verified by staff; *Therefore,*

It Is Ordered That:

1. The Default Order entered March 17, 2009, is hereby rescinded.

2. The Secretary serve a copy of this Rescission Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Rescission Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1089. Filed for public inspection June 12, 2009, 9:00 a.m.]

Rescission Order

Public Meeting held
May 28, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Riemer; Herman Gas Co.
(2006 Annual Report); Doc. No.
C-2008-2036248; A-122670*

Rescission Order

On March 18, 2009, the Commission entered a Default Order at this docket against Riemer, Herman Gas Co. (the "Respondent"), a gas utility certificated at A-122670, for failure to file its 2006 Annual Report. The Default Order was published in the *Pennsylvania Bulletin* on April 4, 2009, at 39 Pa.B. 1792. On or about April 23, 2009, the Respondent submitted its 2006 and 2007 Annual Reports. The Respondent also filed on the same date a letter petition requesting a waiver of the \$1,000 civil

penalty imposed by the Default Order. Instead, on or about May 5, 2009, the Respondent paid the \$250 late fee payable to the Commonwealth of Pennsylvania that was previously assessed against the Respondent for failure to file its 2006 Annual Report in a timely manner.

In its letter petition, the Respondent stated that the reason for the delay in filing the 2006 Annual Report was because the owner, Anna Pearl Riemer, became gravely ill and continues to be bed-ridden today. Other family members who have taken over the operations of the business during Anna's illness have only recently learned about the failure to file this report. Anna's son Jeff has stated that the lack of compliance will not happen again and that all obligations will be met in the future. In this regard, the Respondent has also filed the 2007 Annual Report, which had become delinquent.

Finally, the Respondent asks that the \$1,000 civil penalty be rescinded. Instead, the Respondent has paid the \$250 late fee previously assessed against the company for failure to file the 2006 Annual Report in a timely manner. Commission Staff familiar with the precarious financial condition of the Respondent has recommended acceptance of this offer to pay the lesser late fee instead of the civil penalty. Under the circumstances described previously, we agree to accept this alternative payment and will grant Respondent's implied request to rescind the Default Order; *Therefore,*

It Is Ordered That:

1. The Default Order entered March 18, 2009, is hereby rescinded.

2. The Secretary serve a copy of this Rescission Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Rescission Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1090. Filed for public inspection June 12, 2009, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 29, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-2009-2110650. Ambucare Ambulance Services, Inc. (1725 Bustleton Pike, Unit A, Feasterville, Bucks

County, PA 19053)—a corporation of the Commonwealth—persons in paratransit service, exclusively to or from medical facilities, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2009-2110951. Trust Ambulance, Inc. (733 Firehouse Lane, Harrisburg, Dauphin County, PA 17111), a corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in the City of Harrisburg, Dauphin County, and within an airline distance of 40 statute miles of the limits of said city, to points in Pennsylvania, and return.

A-2009-2110957. David I. Christofor, t/a Christofor's Transport Services (545 East Main Street, Reynoldsville, Jefferson County, PA 15851)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Reynoldsville, Jefferson County, and within an airline distance of 50 miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

A-2009-2110973. Stephanie L. Blakeney, t/a Blakeney Transportation Services (1931 West Spencer Street, Philadelphia, Philadelphia County, PA 19141)—persons, in paratransit service, from points in the City and County of Philadelphia to the following State Correctional Institutions located in Pennsylvania: Camp Hill, Coal Township, Dallas, Frackville, Graterford, Houtzdale, Huntingdon, Mahanoy, Muncy, Retreat, Rockview, Smithfield and Waymart, and return.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2009-2110757. Feel Good Limo, Inc. (518 Burke By Pass, Olyphant, Lackawanna County, PA 18447), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11–15 passengers, including the driver, from points in the counties of Lackawanna, Luzerne and Wyoming, to points in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Mark G. Rudalavage, 171 Scranton—Carbondale Highway, Route 6, Eynon, PA 18403-1027.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2009-2111128. ASAP Transportation, Inc. (P. O. Box 14375, Philadelphia, Philadelphia County, PA 19115)—contract carrier for LogistiCare Solutions, LLC, persons, in paratransit service, from points in the City and County of Philadelphia to points in Pennsylvania and return.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2009-2111045. Specialized Transportation For Outpatient Services, Inc., t/a Stops, Inc. (8855 Grisom Parkway, Titusville, FL 32780), a corporation of the State of Florida—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

*Pennsylvania Public Utility Commission; Bureau of
Transportation and Safety v. Junaid Cab Co.;
Doc. No. C-2009-2084887*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Junaid Cab Co. (respondent) is under suspension effective January 15, 2009, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P. O. Box 34471, Philadelphia, PA 19101.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 12, 1993, at A-00110923.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00110923 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are

made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission;
Bureau of Transportation and Safety v.
Select Transport Service, Inc.;*
Doc. No. C-2009-2025177

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Select Transport Service, Inc. (respondent) is under suspension effective April 1, 2008, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 118 Bigelow Avenue, Jeannette, PA 15644-0708.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 19, 1993, at A-00110390.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250.00 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00110390 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the

suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250.00** fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1091. Filed for public inspection June 12, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
May 14, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Statement; Kim Pizzigrilli; Wayne E. Gardner; Robert F. Powelson, Statement

*PPL Electric Utilities Corporation Retail Markets;
Doc. No. M-2009-2104271*

Tentative Order

(Editor's Note: Footnote No. 1 was inadvertently deleted at 39 Pa.B. 2912. The Tentative Order is being reprinted with the footnote included.)

By the Commission:

Two years ago we approved PPL Electric Utilities Corporation's (PPL's) revised Competitive Bridge Plan which allows the company to begin purchasing generation supplies for default electric generation service after the expiration of a current generation rate cap. *Petition of PPL Electric Utilities Corporation for Approval of a Competitive Bridge Plan*, Docket No. P-00062227, Order entered May 17, 2007. That plan was designed, *inter alia*, to provide a transition from the existing capped rates to market-based prices for default electric generation service for PPL consumers.

At this time, PPL consumers are paying capped generation rates pursuant to the Electricity Generation Customer Choice and Competition Act (Competition Act), 66

Pa.C.S. §§ 2801—2812 and the PPL Restructuring Settlement.¹ The Competition Act also requires electric utilities to provide open and non-discriminatory access to their transmission and distribution systems so that competitive electric generation suppliers (EGSs) can sell electricity directly to consumers. 66 Pa.C.S. § 2802(14). As part of the transition to a competitive retail market, the legislature directed that transmission, distribution and generation rates be capped for a period of time. 66 Pa.C.S. § 2804(4). PPL's final remaining rates caps—those on electric generation rates—will expire December 31, 2009.

The Competition Act requires electric distribution companies (EDCs) such as PPL, or a Commission-approved alternative supplier, to provide default electric generation service to customers who have not selected an alternative generation supplier. After the rate caps expire, the default service prices for electric generation service will be based on the results of competitive procurement processes. 66 Pa.C.S. § 2807(e)(3.1). Thus, the price of electricity charged to default service customers will be determined largely by market forces, as opposed to cost-based regulation. However, this in and of itself will not guarantee that retail customers will have competitively priced alternatives to the default service still offered by incumbent EDCs. Rather, it is essential that alternative suppliers of retail generation service have the non-discriminatory access to customer data and utility facilities necessary to fulfill the legislative goal of a competitive retail market for generation in Pennsylvania.

In the years following the enactment of Chapter 28, the actual market-based costs of obtaining wholesale electricity have escalated above the level of capped generation rates under the various restructuring settlements approved by the Commission. Due to this escalation in wholesale costs, many alternative providers of retail generation service have been unable to offer service to consumers in Pennsylvania at rates that allow those firms to be profitable and, accordingly, these firms have left the market. In the PPL service territory, for example, the percent of customers obtaining generation service from alternative suppliers is virtually zero. See Office of Consumer Advocate statistics as of April 1, 2009 at <http://www.oca.state.pa.us/Industry/Electric/elecstats/Stats0409.pdf>. While the expiration of rate caps will bring about default service rates that approximate current market-based costs for wholesale electricity, that fact alone will not ensure the success of retail competition. Rather, the operating rules for EGS firms that seek to enter Pennsylvania's market and offer retail generation service must be non-discriminatory and must not unduly favor the incumbent EDC. Otherwise, the efficiencies, innovations and potential costs savings of a fully competitive retail market will not be realized.

Therefore, in order to promote the goals of Chapter 28 and to assure an orderly transition to a market which is truly competitive, we find it necessary and in the public interest to consider and direct actions that are necessary to achieve these goals in the PPL service territory, given the scheduled expiration of PPL's rate caps later this year.

Over the past several years the Commission has presided over the end of capped generation rates for several small and mid-sized electric distribution companies. Based upon our experience with those companies, we believe there are certain standards, rules and operational

protocols which will make the retail market viable for those EGSs which wish to offer retail generation service to PPL customers. Insofar as PPL is one of the largest EDCs in the Commonwealth, it is important that its market contain competitive alternatives for its customers, that its customers are aware of these competitive alternatives and that there are no barriers to entry from the incumbent EDC.

We have identified eight areas in which we believe PPL, and later other EDCs, can improve the conditions for retail competition in its service territory in accordance with the policy goals and statutory provisions of Chapter 28. We expressly recognize and appreciate that PPL has taken many important steps, beginning with the PPL Restructuring Settlement, to allow retail competition for generation in its service territory. Nevertheless, we are concerned that some additional impediments remain which may act as barriers to entry to EGS firms seeking to offer retail generation service.

The Legislature has given us broad authority to ensure that customers will have the ability to make meaningful choices among competing suppliers of electricity:

[T]he commission shall allow customers to choose among electric generation suppliers in a competitive generation market through direct access. Customers should be able to choose among alternatives such as firm and interruptible service, flexible pricing and alternate generation sources, including reasonable and fair opportunities to self-generate and interconnect. These alternatives may be provided by different electric generation suppliers.

66 Pa.C.S. § 2804(2). Moreover, the Competition Act defines "direct access" as:

The **right** of electric generation suppliers and end-use customers to utilize and interconnect with the electric transmission and distribution system on a nondiscriminatory basis at rates, terms and conditions of service comparable to the transmission and distribution companies' own use of the system to transport electricity from any generator of electricity to any end-use customer.

66 Pa.C.S. § 2803, emphasis supplied. Thus, this grant of authority is accompanied by the responsibility to ensure that it is more than an empty promise of an open market for retail electric power. We are instructed to make competition not just possible, but also a reality.

Moreover, we are taking this action at this time because PPL is not only the first of a group of large and mid-sized EDCs which will come out from under the rate caps beginning at the end of this year, but because we also believe it is well suited to assist the Commission in developing and implementing the measures necessary to improve competition and remove barriers to market entry by competitive suppliers. This opportunity gives the Commission the ability to apply the knowledge gained from prior EDCs to develop a competitive market in the second largest EDC in PA, and develop the final details necessary for competition statewide about 18 months from now. We believe that PPL possesses the technical know-how to address difficult problems, and will rise to the challenge and make retail competition work in its service territory.

Therefore, pursuant to our authority under Sections 501(a), 2801—2809, and 2811, we are directing that PPL take certain actions to reduce barriers to entry for competitive retail suppliers of generation. Those actions, and the reasons for them, are discussed below. Also, in order that the company not be financially harmed by the

¹ *Application of Pennsylvania Power & Light Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al.*, Docket No. R-00973954, Final Order entered August 27, 1998.

implementation costs that may be associated with some of these actions, we are also offering it the opportunity to recover its incremental costs of implementing these measures through a trued-up surcharge on all customers, which is also discussed below.

1. Customer Information Database (Customer List)

Communication remains the cornerstone of an effective competitive market place. If buyers and sellers cannot reach each other to make offers and acceptances, and speak in the same "language," commerce will be impeded and, even if it can take place, additional and unnecessary costs are incurred. Therefore, it is of utmost importance that the distribution utility and the EGSs seeking to sell electricity to end-users exchange information in an accurate and consistent manner. In order to do this, EGSs must first have the information they need on the customer base they wish to serve. Therefore, they must be able to have up-to-date and precise information on the utility's customers.

PPL should review its customer list for accuracy and refresh it, if it has not done so recently. If PPL has not refreshed the list at least quarterly, it should be refreshed now. Going forward, the database should be updated monthly, on a pre-set date, and on the same day of the month each month. This will allow customers to set a narrow access window if they only want to remove the restriction on access for a few suppliers for a limited time. Moreover, customers that have restricted access should be able to authorize the release of their information using a web-based form or by providing the EGS or EDC with a letter of authorization. Customers should be able to do this with respect to multiple accounts at a time. This is important particularly with respect to customers who take service at more than one location and have multiple utility accounts.

With regard to the necessary standard data set itself, we have provided a template which is appended to this tentative order as Attachment A. The recommended data elements are included. Interval data would be included, but should be accessible separately. Interval energy data is a detailed record of energy consumption, with readings made at regular intervals throughout the day, every day.

The process by which customers may opt out of providing their information to EGSs should be repeated prior to the removal of the generation cap and annually thereafter. PPL's continuing education efforts should inform customers that if they wish to receive and consider competitive offers they should not opt out. Customers cannot take advantage of better offers for service, if they are unaware that they exist. We recognize that we cannot require PPL to provide phone numbers of residential and small business customers without their permission, but it should provide EGSs with the numbers for commercial and industrial accounts. Those customers should be able to restrict that information through an opt-out option, if they choose.

2. Data Access

By order entered June 19, 1998, this Commission mandated that all EDCs and EGSs operating in Pennsylvania shall use Electronic Data Interchange (EDI) to implement Electric Choice. EDI is a standard industry format that facilitates automated communication of customer data through the use of ASC X12 standard open architecture that can be administered in-house or by a

third party. The most recent Commission approved EDI standards and business practices are found in the Revised Plan Version 2.6.²

(a) EDI and Validation, Estimation and Editing

One area that EDI does not address is validation, estimation and editing (VEE) of customer data. VEE is basically the process of converting raw meter data to billing quality usage data. For implementing smart metering, this becomes a big issue for EGSs and Conservation Service Providers (CSPs). If there are any gaps in interval data, the EDC has to estimate customer usage. If raw, unedited interval data has significant data gaps, then the company has to validate and edit this information. PPL and other EDCs are doing VEE today or they have set up an intermediary to perform this task. EGSs want and need post-VEE interval data, especially for larger currently interval-metered commercial and industrial accounts, and later for potentially all customer accounts once the smart metering provisions of Act 129 are fully implemented. We, therefore, direct PPL to provide EGSs automated electronic access to customer post VEE interval data at no incremental fee.

(b) EDI 867 and EDI 814

(b)(1) Background

The EDI 867 standard addresses energy sales information.³ In Pennsylvania, the EDI 867 standard has been adapted to provide customer usage information needed for billing for all customers regardless of the billing scenario (as defined below at (3) Bill Ready vs. Rate Ready Options). The EDI 867 Monthly Usage (MU) transaction is used to transmit current month usage information as captured from the meter for non-interval metered customers, and we use the EDI 867 Interval Usage (IU) to transmit interval monthly usage information as captured from the advanced meter for interval metered customers. EDI 867 is also used to transmit un-metered usage for non-metered accounts. An EDI 867 Historical Usage (HU) transaction transmits the previous 12 months of customer data regardless of the way the customer is metered. Currently, there is no requirement for the EDC to provide Historical Interval Data through an EDI transaction.

The EDI 814 standard addresses general request, response or confirmation information.⁴ The EDI 814 standard has been adapted for use in Pennsylvania to communicate enrollment information and the customer/EGS relationship information between the EDC and the EGS. EDI 814 standards address the following scenarios: (a) the 814 Enrollment (E) is used to enroll the customer's selection of an EGS; (b) the 814 (E) is used for customer account maintenance and is used to request customer historical usage; and (c) the 814 ND is used to provide an advanced notice of potential customer drops, where required by Commission order.

All EDI 867 and 814 definitions and scenarios are defined in the Revised Plan Version 2.6.

² *Standards for Electronic Data Transfer and Exchange Between Electric Distribution Companies And Electric Generation Suppliers*, Docket No. M-00960890F0015, Tentative Order entered December 8, 2008.

³ The ASC X12 definition for the 867 "Product Transfer and Resale Report" transaction is: "The transaction set can be used to: (1) report information about product that has been transferred from one location to another; (2) report sales of product from one or more locations to an end customer; or (3) report sales of a product from one or more locations to an end customer, and demand beyond actual sales (lost orders). Report may be issued by either buyer or seller."

⁴ The ACS X12 definition for the 814 "General Request, Response or Confirmation" transaction is: "This standard can be used to request actions to be performed, to respond to a request for actions to be performed or to confirm information related to actions performed."

(b)(2) Historical Usage

The Pennsylvania electric industry implemented the 867 Historical Usage (HU) for communicating 12 months of historical monthly data for "eligible" customers. Eligible customers are those who authorized PPL to release this information to EGSs because they are interested in receiving offers. To successfully market their competitive services, EGSs prefer the opportunity to obtain historical usage information on behalf of a customer on the eligible customer list, without the necessity of a written customer authorization. If a customer is not included on the eligible customer list, PPL should allow the EGS to obtain their prospective customer's permission and upon the EGS's request, send the 867 HU. The manual sending of the customer's authorization by the EGS to PPL is not required, but the EGS may be audited by PPL or the Commission for compliance with customer authorization documentation after the fact.

The Commission's Electric Choice implementation technology stakeholder group, the Electronic Data Exchange Working Group (EDEWG), recently approved an EDC's request to update the EDI 814 Enrollment (E) transaction to allow requests for historical interval data, and to create an EDI 867 Historical Interval Usage (HIU) transaction for providing interval detail data at the lowest level recorded by the EDC. See *EDEWG Change Request #050 and 09/04/2008 EDEWG Meeting Minutes at www.puc.state.pa.us "Electricity" "Issues" EDEWG Files for Downloading*. As approved, these EDI changes are optional in Pennsylvania. Although PPL currently provides monthly metered interval data, this data is handled manually and is very time consuming for PPL and EGSs. EGSs have complained of the cost to acquire this data and that there are still gaps of missing information in PPL's response to their requests for interval data.

Therefore, to best serve the billing needs of customers who have advanced interval meters or who purchase smart meters, PPL needs to be able to provide complete and accurate post-VEE metered interval data upon request by EGSs. To meet these requirements, we direct PPL to implement the recent EDI 814 E updates and the newly created EDI 867 HIU transaction as approved by the EDEWG no later than 60 days of the entered date of a final order in this proceeding.

Another issue related to the EDI 814 is that EGSs are not receiving timely notice of PPL's permanent termination of their customer's service. A customer that is in arrears for payment of distribution service can be terminated by PPL, but the EGS is informed of this fact when PPL sends an EDI 814 Drop transaction that notifies the EGS that a final bill will be issued for the customer. If the EGS were to receive from PPL an EDI 814 Advance Notice of Intent to Drop (ND), which currently is applicable only in Duquesne Light's service area, the EGS could manage the customer's account more effectively and provide assistance in getting the account current. We, therefore, require PPL to initiate an EDI change request with the EDEWG and to implement the EDI 814 ND within 90 days of the final entered date of a final order in this proceeding.

(b)(3) Interval Usage

Similar to the 867 MU that provides actual monthly billing cycle usage data, the electricity industry communicates actual monthly billing cycle interval metered data through the EDI 867 Interval Usage (IU) transaction. To meet the ongoing, monthly billing needs of customers who have advanced interval meters or who purchase smart

meters, we require PPL to implement the EDI 867 IU transaction. Additionally, we require PPL to initiate an EDI change request with the EDEWG as may be necessary to update cross reference EDI transactions related to the 867 IU. It should be noted that the most recently approved EDI 867 IU transaction states "as of September 1999, the PUC has not determined if the date and timestamp will be required with every interval, or only with the first interval with the subsequent intervals being marked with a sequence number." See page 9, *Implementation Guideline for Electronic Data Interchange 867 Interval Usage Ver/Rel 004010 IG867IUv4-0*. To resolve this outstanding issue, we direct PPL to initiate discussion with the EDEWG and recommend to the Commission no later than 60 days of the entered date of this order, a date/time stamp resolution that best serves the data needs of competitive providers and the smart metering requirements of Act 129.

(b)(4) Transmission and Capacity PLCs

In August 2008, PPL implemented a change request related to the EDI 867 HU transaction, to be used by all PJM EDCs for communicating capacity and transmission contribution factors to their respective partner EGSs. EGSs have raised an issue that the Peak Load Contribution (PLC) is not being communicated by PPL and that there is a significant difference in the pricing of services without the PLC data.

Therefore, to address this concern, we direct PPL to implement the EDI 867 HU changes if it is not already doing so, and to determine whether we should require PPL to initiate changes to the EDI 867 HU, we solicit comments from suppliers to explain why the PLC is needed.

(b)(5) Meter Read Cycle Information

Meter read cycle information is defined by the EDC to identify the number of days that comprises a customer's billing period for previous usage and to designate the date that the customer's meter is read for determining that period of usage. For example, a residential customer's bill dated May 15, could be based on thirty days' of usage commencing April 1 through April 30 with the last meter reading having been taken on April 30. EGSs need to have an idea of the customer's meter read cycle if they are to successfully enroll a customer within PPL's designated billing window. If unsuccessful, the customer continues to pay the "old" price for energy from PPL or the customer's former EGS. PPL should provide the EGS with a customer's meter read cycle information in the EDI 814 response transaction or in the EDI 867 HU transaction; it does not need to be communicated in both. We direct PPL to select which EDI transaction it will utilize to provide this information to EGSs. We also direct PPL to initiate an EDI change request as necessary with the EDEWG no later than 60 days of the entered date of the final order.

(c) Multiple Accounts

EGSs have experienced a delay in PPL's response to their data requests for multiple accounts. Every customer represents a single account and multiple accounts refer to multiple customer accounts. Pennsylvania has no approved guidelines for the handling of multiple account information; each EDI transaction is used to handle a single customer. To ensure that customer data is secure and accurate and handled in a timely manner, specific timelines for requests and responses to all EDI transmissions have been approved on an individual account basis. This timeline is found on page 17 of the Revised Plan Version 2.6. If PPL is not already following the maximum

allowable time standards established for an EDC to send or respond to an EGS request for a customer's account, we direct PPL to comply with these standards within 30 days of the entered date of the final order.

(d) Sync List

Some EGSs have asked for an updated "sync list," which is a monthly list of customer usage and account information, specific to the customers who are already enrolled by an individual EGS. This list is different from an eligible customer list or any customer information database. It would be unique to the EGS and would contain confidential, customer account information that would allow the EGS to audit its system to ensure congruity with PPL's data. Such account information would include service start/end date, bill method, PLC values, etc. PPL is already providing customer usage information through the EDI 867 transactions that many EGSs find useful for updating their data base. Nonetheless, to satisfy the data needs of those EGSs who request it, we direct that PPL consider developing a sync list that would be accessed through an FTP (file transfer protocol) site that the requestor may navigate to download the text or comma separated value file. PPL may use the services of a third party to provide this sync list in a format that is suitable to the respective needs of the requestor.

Therefore, to address this concern, we require PPL to provide a monthly, updated sync list on an FTP site for any EGS that requests it. PPL may use the services of a third party to provide this sync list in a format that is suitable to the respective needs of the requestor.

3. Bill Ready and Rate Ready Options

An EDI 810 Billing transaction is used by the billing party to transmit monthly usage and billing components to generate a customer invoice. By order entered August 13, 1998, we recognized that the settlement agreement process resulted in two different options for EDC consolidated billing—"Bill-Ready" and "Rate-Ready."

"Bill-Ready" means the company doing the billing receives calculated results from the other party for the other party's charges and prints them on a consolidated bill. "Rate-Ready" means the company doing the billing knows the rates of the other party, calculates the other party's charges, and prints them on a consolidated bill.

In the August 13, 1998 Order, we emphasized that over time we expect to have a uniform approach among the EDCs. Since its last major rate case, PPL has supported the "Bill-Ready" option exclusively. To accommodate PPL market penetration by all EGSs licensed to operate within the Commonwealth, we propose requiring PPL to support Bill-Ready and Rate-Ready consolidated billing options as set forth in the Revised Plan Version 2.6.

Additionally, to facilitate customer participation in Act 129 smart metering deployment and Time-of-Use rates, we also direct PPL to initiate a Change Request for the EDI 810 Billing transaction and other EDI transactions as may be appropriate, to manage a minimum of 50 separate and discrete rates per customer across rate classes. This minimum number of rates may vary upon order by the Commission.

4. Timely EDI Testing—2 Month Maximum

Since the adoption of EDI, PPL has actively participated in the EDEWG and contributed to the development of an Internet EDI Plan and Test Plan for Electronic Data Exchange for Electric Generation Deregulation. Both documents can be found on the Commission's web site at www.puc.pa.us. See *Electricity, Issues, EDEWG Files for*

Downloading, Revised Plan Version 2.6 which contains changes to compliance testing for the re-certification process for EGSs that have been inactive in the EDC's service area. Inactivity is defined as a minimum of 12 months since the last EDI 867 Monthly Usage transaction had been sent, regardless of billing scenario of the EDC.

With the expiration of PPL's capped generation rates, we anticipate that an increasing number of EGSs will want to serve PPL customers. To accommodate market participation in a timely manner, we direct PPL to schedule testing and complete the certification and recertification testing process no later than 60 days from the date an initial request is received by a licensed EGS to the date that PPL issues a notification of certification.

5. Purchase of Receivables

In the Commission's judgment, the use of purchase of receivables (POR) programs can reduce barriers to market entry. We explained this with respect to the natural gas industry, but it is just as applicable to the electric industry:

In a "Purchase of Receivables" (POR) program, the NGDC purchases a NGS's accounts receivable, most often at a discount. The discount may be attributable to uncollectible expense, *i.e.*, bad debt of the NGS's customers, and the NGDC's administrative costs for billing and collection. Purchase of receivables was also discussed as a means to satisfy security requirements for suppliers operating on certain NGDC systems. *SEARCH Report*, pp. 18, 20. Decreasing the security requirement for suppliers would remove a barrier to market entry for some suppliers and, thus, would increase supplier participation in the market.⁵

This can also translate into reduced costs to consumers. Some Pennsylvania EDCs have POR programs now.⁶ Recently we proposed regulations for voluntary POR programs for the natural gas industry as a means of increasing supplier participation in the retail natural gas supply market. *Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets*, Docket No. L-2008-2069114, Proposed Rulemaking Order entered on March 27, 2009 (Natural Gas Rulemaking Order), 52 Pa. Code § 62.224.

Because the availability of POR programs will likely enhance the viability of retail generation competition in the PPL service territory, we will direct PPL to use proposed section 62.224 as a template for its POR plan, but with the following differences. There should be little or no discount in the purchase of receivables. The purpose of the POR program is to facilitate the growth of the competitive market. It should not become a mechanism by which PPL makes or loses money.

Insofar as PPL is taking possession of the receivable from the EGS, the EGS should be kept whole and, therefore, there is no need to revert to separate billing when the arrearage exceeds 90 days. The EGS will recover its full bill. PPL will still retain the ability to terminate customers for no payment subject, of course, to Chapter 14 of the Public Utility Code and the consumer protection provisions of Chapter 56 of our regulations. PPL can also still offer its customers payment plans.

Additionally, PPL is not to require an EGS to sell it all accounts receivable or none at all. If an EGS wishes to

⁵ *Investigation into the Natural Gas Supply Market: Report on Stakeholders' Working Group (SEARCH); Action Plan for Increasing Effective Competition in Pennsylvania's Retail Natural Gas Supply Services Market*, Docket No. I-00040103F0002, Final Order and Action Plan entered September 11, 2008 at 10 (Action Plan).

⁶ PECO Energy Company and Duquesne Light Company.

sell only a portion of its accounts receivable, it may do so. There should not be any "all-in/all-out" provisions.

Finally, an EGS can bill only for basic supply service via POR. However, there are no limitations on the provision of other billing options if the EGS is participating in the POR program. EGSs have unique programs, such as green power for example, which require billing needs the utility cannot supply. Thus, EGSs may still need to separately bill for complex supply pricing options or environmental/renewable products.

Because PPL's rate caps come off on December 31, 2009, we ask PPL to implement a POR program to commence on January 1, 2010.

6. Customer Awareness Education Program

Consumer education remains a critical pillar of a vibrant competitive retail market for electricity in Pennsylvania and PPL's service territory in particular. The market with the greatest number of shopping choices is of no use if no one knows that it is there. Therefore, it is necessary that PPL undertake a program of customer education to make sure that its consumers know not only that the rate caps are coming off, but that there are choices that they now have as users of electric power.

The program is intended to educate the consumer and not market any brand of electric power. It should begin no later than the first billing cycles 30 days after this order becomes final and last at least six months after the rate cap has terminated. The intent is to make consumers aware of their choices for electric power and educate them as to how to contact those EGSs. PPL may use bill inserts, media advertising and the Internet and any other medium it normally uses to reach its customers. The costs of this program may be recoverable through the surcharge for competition related activities discussed below, subject to the limitation established under Docket M-2008-2032279.

7. Commit To A Process For Development Of A Uniform Supplier Tariff

As we stated in our Policy Statement on default service:

The public interest would be served by the adoption of supplier tariffs that are uniform as to both form and content. Uniform supplier tariffs may facilitate the participation of EGSs in the retail market of this Commonwealth and reduce the potential for mistake or misunderstandings between EGSs and EDCs.

Default Service and Retail Electric Markets: Final Policy Statement, Docket No. M-00072009, Order entered May 10, 2007 (Policy Statement). It would be in the interest of all parties to standardize supplier tariffs for EGSs operating in PPL's service territory as well as those in the Commonwealth as a whole. Such standardization is absent in Pennsylvania at this time. While we acknowledge that the PPL Restructuring Settlement included a supplier tariff, there are variation in terms and operational rules among different EDCs. This results in inefficiencies across the retail market for electricity.

Therefore, we direct PPL to convene a working group with other interested parties including licensed EGSs and other Pennsylvania EDCs to develop a uniform supplier tariff for use in its retail market. The working group should commence not later than 60 days after this order becomes final and propose a uniform tariff for adoption not later than six months thereafter.

8. Ombudsman For Supplier Issues

No system, no matter how well designed and no matter how finely tuned, is free from flaws. It is important that, when problems arise, EGSs are able to quickly contact the appropriate person at PPL to address the difficulty. We have considered requiring each EDC to appoint an ombudsman to fulfill this function as part of our Policy Statement. See 52 Pa. Code § 69.1817. The ombudsman should be responsible for promptly responding to questions from EGSs, monitoring competitive market complaints and facilitating informal dispute resolution between EGSs as well as default service providers.

Therefore, we will direct PPL to appoint such an ombudsman. Furthermore, we must stress that person should be familiar with the EDC/EGS interface and with the inner workings of the EDC, but must also be fully independent from the EDC sales function so that he or she may act impartially.

So as to assist the industry with respect to the final phase of the transition into a retail market without rate caps, we will expand the mission of our Office of Competitive Market Oversight, which was established for the natural gas industry, to include oversight of the electric markets as well. When needed, EGSs may turn to it as the office of the Commission ombudsman.

9. PPL Costs of Competition Related Activities

The Commission recognizes that some of these actions to reduce barriers to market entry by EGS firms may require PPL to incur incremental costs, not presently included in customer rates, and which should be recoverable on a timely basis. We are guided here by our recent action with respect to natural gas utilities making the transition to fully competitive markets.

In our *Action Plan* for natural gas distribution companies (NGDCs), we concluded that the NGDCs "should be able to recover *reasonable* costs that are *prudently* incurred in connection with the implementation of any changes designed to promote the development of effective competition in the retail market." *Action Plan* at 21. At that time, we noted that these costs also include expenses associated with increasing customer participation in the market such as modifications to NGDC billing systems or increased consumer education activities. *Id.* Therefore, in a recent rulemaking proceeding, we determined to allow NGDCs to recover these costs through a surcharge with an automatic adjustment mechanism. *Natural Gas Rule-making Order* at 7.

Consequently, we will allow PPL to implement a surcharge mechanism under 66 Pa.C.S. § 1307(a) whereby it recovers its incremental implementation costs. It is of no difference that here we are addressing the electric utility to the extent it helps promote retail competition, the surcharge for implementing these competition related activities will benefit all customers. As such, it should be paid by all customers. Therefore, PPL may implement a rate surcharge mechanism similar to that which we proposed in our rulemaking order for codification at 52 Pa. Code § 62.226.

Conclusion

In sum, the above measures are intended to create standard rules and operating protocols that will remove barriers to entry and promote retail competition in the PPL service territory, in accordance with the policy and statutory directives in Chapter 28. With the expiration of rate caps in the PPL service territory presently scheduled for December 31, 2009, and the end of rate caps in the

remaining EDCs 1 year later, the Commission is obligated to insure that, when those caps are lifted, customers have real choices from alternative suppliers for their generation service needs, choices that can bring those customers lower prices, innovative services and options, and the alternatives to default service offered by the incumbent EDC.

However, before we make a final decision as to each of the specific measures to be implemented, the Commission is inviting comments from PPL and interested persons on whether these measures or others are reasonable, lawful and appropriate to further the legislative goal of a competitive retail market for generation in each EDC's service territory. To the extent any of these measures require the amendment, waiver or modification of any existing Commission orders or regulations, we are providing, by this order and by publication in the *Pennsylvania Bulletin*, notice to all interested persons of the potential for amendment of such orders and regulations, as well as an opportunity to provide comments before our decision becomes final.

Accordingly, under our authority under sections 501, 2801—2809 and 2811 of the Public Utility Code, 66 Pa.C.S. §§ 501, 2801—2809 and 2811, we shall direct PPL to take the actions described previously so that its customers may have meaningful alternatives from which to choose when purchasing electric power; *Therefore,*

It Is Ordered That:

1. The Secretary serve a copy of this Tentative Order upon PPL Electric Utilities Corporation, all electric gen-

eration suppliers licensed to do business in its service territory, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff.

2. The Secretary shall certify this Tentative Order and Attachment A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

3. An original and 15 copies of any comments referencing the docket number of the Tentative Order be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

4. The contact person for this rulemaking is Assistant Counsel Lawrence F. Barth, Law Bureau (717) 772-8579, lbarth@state.pa.us.

5. Absent the filing of adverse public comment within 30 days after the publication of this Tentative Order, it shall become final without further action by the Commission.

6. Unless specified otherwise herein, that within 30 days of this Order becoming final PPL Electric Utilities Corporation shall file tariffs necessary to implement the directives discussed within this Tentative Order.

By the Commission

JAMES J. MCNULTY,
Secretary

Attachment A

<i>Customer Database Data Elements</i>	
<i>PPL</i>	<i>Additional Items Requested</i>
Customer Account #	X
Meter #	X
Name	X
Service Address, including Zip +4	X
Billing Address, including Zip +4	X
Budget Indicator (is customer on a budget billing program)	X
Meter Read Cycle date	X
Meter Type	X
Interval Meter Flag	X
Load Profile Group Indicator	X
Rate Code Indicator	X
Loss Factor (in some EDCs, this doesn't map directly to the rate code, so it is necessary)	X
12 Individual Months Consumption (kWh)	X This should be expanded to cover 24 months of consumption (kWh) and should be provided by billing period, i.e. for individual months. Total kWh, and On/off peak values should be provided if applicable
12 Individual Months Demand (kW)	X This should be expanded to cover 24 months of billing demand (kW) and should be provided by billing period
	Monthly peak demand by billing month (note that this is different from billing demand)
	End of billing period date for each billing month
	# days in billing period for each billing month

<i>Customer Database Data Elements</i>	
<i>PPL</i>	<i>Additional Items Requested</i>
	2 years of interval data should be available but should be accessible separately from monthly summary data, so EGSs that only want summary data can access it without downloading data intensive interval data
	Effective dates for current and pending rate class and procurement group classifications.
	POLR indicator (is the customer a POLR customer as of the date of the list update)
	Minimum stay date, if applicable. For PPL this would be an indicator if the customer is subject to the GRA and the date the GRA liability expires.
	Business contact name (this may be different than the customer name)
	Business contact phone number
	Business contact address
	Email address
	Customer service start date
	Municipal Tax Code (if there is a city/county tax that applies to electricity)
	Sales tax percentage or sales tax exemption percentage
	PLC Value (capacity obligation) and effective date of this value
	Transmission obligation and effective date of this value
	Date the list was last updated
	Identifier for whether a customer is enrolled in rate mitigation pre-payment plan
	Identifier for whether customer is enrolled in rate mitigation deferral/phase-in plan
	Price to compare (most recent known price to compare for the customer)

[Pa.B. Doc. No. 09-1049. Filed for public inspection June 5, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
May 28, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*In re: Advanced Telemanagement Group, Inc. (2007
Annual Report); Doc. No. A-311342F0002; A-311342*

Tentative Order

By the Commission:

Advanced Telemanagement Group, Inc. ("Advanced Telemanagement") has failed to file its 2007 Annual Report pursuant to section 504 of the Public Utility Code. 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Advanced Telemanagement is a competitive local exchange carrier and a reseller of interexchange toll services certificated at A-311342F0002 and A-311342, respectively. Commission staff's several attempts to reach Advanced Telemanagement by mail and phone to file the missing report have been unsuccessful. Additionally, Advanced Telemanagement's former outside consultant has advised Commission staff that Advanced Telemanagement is out of business and is in a Chapter 7 bankruptcy liquidation proceeding.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the previous facts, we tentatively conclude that it is appropriate to revoke Advanced Telemanagement's certificates of public convenience without the necessity of a formal complaint as being in the public interest. Also, Advanced Telemanagement currently has no NXX codes. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Advanced Telemanagement seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. The revocation of Advanced Telemanagement Group, Inc.'s certificates of public convenience are hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.
3. The absence the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by Advanced Telemanagement Group, Inc. at A-311342F0002 and A-311342 shall be canceled, and Advanced Telemanagement's name stricken from all

active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1092. Filed for public inspection June 12, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
May 28, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*In re: Broadband Centric Corporation
(2007 Annual Report);
Doc. No. A-311434F0002; A-311434*

Tentative Order

By The Commission:

Broadband Centric Corporation ("Broadband") has failed to file its 2007 Annual Report pursuant to section 504 of the Public Utility Code. 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Broadband is a competitive local exchange carrier and a reseller of interexchange toll services certificated at A-311434F0002 and A-311434, respectively. Commission staff's several attempts to reach Broadband by mail and phone to file the missing report have been unsuccessful. Telephone calls to the last known business address of Broadband confirmed that the number is no longer a working number and no information is available for any new phone numbers.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the previous facts, we tentatively conclude that it is appropriate to revoke Broadband's certificates of public convenience without the necessity of a formal complaint as being in the public interest. Also, Broadband currently has no NXX codes. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Broadband seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of Broadband Centric Corporation's certificates of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by Broadband Centric Corporation at A-311434F0002 and A-311434 shall be canceled, and Broadband Centric Corporation's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1093. Filed for public inspection June 12, 2009, 9:00 a.m.]

Water Service

A-2009-2110756. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval to offer, render, furnish and supply water service to the public in a portion of Lancaster Township, Butler County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 29, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17003

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1094. Filed for public inspection June 12, 2009, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 8, 2009	Robert A. Carr (Membership Eligibility)	1 p.m.
	Toby M. Greco (Purchase of Service)	2:30 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Flurie, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 09-1095. Filed for public inspection June 12, 2009, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management) (act).

Persons aggrieved by any action may appeal under section 517 of the act, 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, so individuals interested in challenging this action 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.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Jeff Krape Dugan Lane Jersey Shore, PA 17740	Clinton County Pine Creek Township	126.7	Layers	New	5/4/2009
William Hoffman Farm 301 Hockley Hill Road Turbotville, PA 17772	Northumberland County Lewis Township	141	Broilers	New	5/4/2009
Rohrer Farms, LLC 35 Lime Rock Road Lititz, PA 17543	Lancaster County Warwick Township	256	Pullets	New	5/4/2009
Eli M. Stoltzfus 47 Maple Shade Road Christiana, PA 17509	Lancaster County Colerain Township	116.93	Dairy	New	5/12/2009
Paul Dotterer & Sons, Inc. 6795 Nittany Valley Drive Mill Hall, PA 17751	Clinton County Porter Township	654.25	Dairy	New	5/13/2009
Shady Brae Farms, Inc. 999 South Colebrook Road Manheim, PA 17545	Lancaster County East Hempfield Township	2,007.9	Layers	New	5/13/2009
Rumar Farms 1908 Shumaker Road Manheim, PA 17545	Lancaster County Ralpho Township	109.32	Broilers	New	5/13/2009
Hammer Creek Holsteins 260 Schaeffer Road Lebanon, PA 17042	Lebanon County Heidelberg Township	39	Dairy	New	5/20/2009
Shepperson Farms 405 Mile Run Road Sunbury, PA 178001	Northumberland County Augusta Township	72.5	Layers	New	5/27/2009
Aaron Hawbaker Farm 6842 Buttermilk Road Waynesboro, PA 17268	Franklin County Quincy Township	114.79	Ducks	New	5/29/2009

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1096. Filed for public inspection June 12, 2009, 9:00 a.m.]

