

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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 7, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-2-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> Giant Food Store 180 Upland Square Drive Stowe Montgomery County <i>From:</i> Giant Food Store 799 State Street Pottstown Montgomery County	Approved
7-2-2009	Fulton Bank Lancaster Lancaster County	<i>To:</i> 1427-1429 North 3rd Street Harrisburg Dauphin County <i>From:</i> 1401 North 3rd Street Harrisburg Dauphin County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1006 North Elmira Street Sayre Bradford County	Closed
6-30-2009	United-American Savings Bank Pittsburgh Allegheny County	3353 SR 130 Harrison City Westmoreland County	Closed
7-2-2009	Sharon Savings Bank Darby Delaware County	420 Bainbridge Street Philadelphia Philadelphia County	Approved

SAVINGS INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
7-2-2009	ESSA Bank & Trust Stroudsburg Monroe County	PA Route 390 and Oak Lane Mountainhome Monroe County	Approved

CREDIT UNIONS

No activity.

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. 09-1281. Filed for public inspection July 17, 2009, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 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 August, 2009, is 6 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which 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 4.12 to which was added 2.50 percentage points for a total of 6.62 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1282. Filed for public inspection July 17, 2009, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Michael R. Mumper, Sr., are proposing to negotiate an exchange of lands in Toboyne Township, Perry County, PA.

The Bureau of Forestry is proposing to convey a total 12.717 acres of land south of New Germantown and Concord Roads in Toboyne Township, Perry County to Michael R. Mumper, Sr. In return, Michael R. Mumper, Sr., proposes to convey 44.566 acres of land north of New Germantown Road in Toboyne Township, Perry County to

the Bureau of Forestry. The proposed exchange will simplify the State Forest boundary and add approximately 31.849 acres to Tuscarora State Forest. An environmental review on the property to be added to the Tuscarora State Forest found no significant concerns.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing July 18, 2009, and ending August 17, 2009. Oral or written comments or questions concerning this proposed exchange may be addressed to Dan Devlin, State Forester, Pennsylvania Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-4837. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 09-1283. Filed for public inspection July 17, 2009, 9:00 a.m.]

Proposed Exchange of Land

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Township of Jackson are proposing to negotiate an exchange of property interests in Jackson Township, Cambria County and East Wheatfield Township, Indiana County, PA.

Township of Jackson will convey approximately 175.15 acres in East Wheatfield Township, Indiana County and Jackson Township, Cambria County. In return, the Bureau of Forestry proposes to convey to the Township of Jackson 89.58 acres in Jackson Township, Cambria County. The proposed exchange will eliminate two in holdings and provide better access to Gallitzin State Forest. An environmental review on the property to be added to the Gallitzin State Forest found no significant concerns.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing July 18, 2009, and ending August 17, 2009. Oral or written comments or questions concerning this proposed exchange may be addressed to Dan Devlin, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-4837. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 09-1284. Filed for public inspection July 17, 2009, 9:00 a.m.]

Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and the George and Joan Freeman Family Limited Partnership are proposing to negotiate an exchange of land interests in Richland Township, Clarion County, PA and Clinton Township, Venango County, PA.

The Bureau of Forestry is proposing to convey a total approximately 5 acres of land in Richland Township, Clarion County known as the St. Petersburg tower site to the George and Joan Freeman Family Limited Partnership. In return, the George and Joan Freeman Family Limited Partnership propose to convey approximately 9.7 acres of land in Clinton Township, Venango County to the

Bureau of Forestry. The proposed exchange will simplify the State Forest boundary and help further protect the Bullion Run Watershed. Approximately 4.7 acres will be added to Clear Creek State Forest by this land exchange. An environmental review on the property to be added to the Clear Creek State Forest found no significant concerns.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing July 18, 2009, and ending August 17, 2009. Oral or written comments or questions concerning this proposed exchange may be addressed to Dan Devlin, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-4837. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 09-1285. Filed for public inspection July 17, 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 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.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0053708 (Sew)	Hawk Mountain Bed and Breakfast James Gaffney 221 Stony Run Valley Road Kempton, PA 19529	Berks County Albany Township	3B Stoney Run	Y
PA0080560 (Sew)	TA Operating, LLC 244601 Center Ridge Road West Lake, OH 44145	Dauphin County West Hanover Township	7D Manada Creek	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.

PA0043818, Amendment No. 3, Industrial Waste, SIC 5622, Waste Management Disposal Services of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: Amendment of an NPDES permit to reflect DRBC Docket D-88-54-4 updates.

The receiving stream, Delaware River Estuary Zone 2, is in the State Water Plan Watershed 2E and is classified for: WWF. The nearest downstream public water supply intake for United States Steel is located on Delaware River and is 0.5 mile below the point of discharge.

The proposed effluent limits for Outfall 001 are based a design flow of 0.1 mgd.

Discharge Parameter	Mass Units (lbs/day)		Concentrations (mg/L)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.10				
BOD ₅	21.5	43.4	26.0	52.0	65.0
BOD ₅ % Removal	DRBC Requirement 95%				
Total Suspended Solids	DRBC Requirement 85%				
Total Suspended Solids	25.0	50.0	30	60	75
Total Dissolved Solids	15,929	16,680	19,100	20,000	25,000
Ammonia (as N)	29.2	58.4	35.0	70.0	87.5
CBOC ₂₀	30.0	60.0			
Oil and Grease	12.5		15	30	30
True Color (Pt-Co)					1,500
Fecal Coliform			#200/100 ml		
Temperature (° F)			Monitor and Report		
pH (Standard Units)	Within Limits of 6.0 to 9.0 Standard Units at all times				
Total Organic Nitrogen			Monitor and Report	Monitor and Report	
Nitrate and Nitrite Nitrogen			Monitor and Report	Monitor and Report	
Total Residual Chlorine			0.500	1.000	1.200

<i>Discharge Parameter</i>	<i>Effluent Limitations</i>					
	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	
Antimony, Total	0.380	0.760	0.450	0.900	1.130	
Arsenic, Total	0.042	0.084	0.050	0.100	0.125	
Beryllium	0.0042	0.0084	0.050	0.010	0.0125	
Boron (Influent)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Boron (Effluent)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Boron (% Removal)	Monitor and Report	Monitor and Report				
Chromium, Hex.			Monitor and Report	Monitor and Report		
Chromium, Total	0.084	0.084	0.100	0.100	0.125	
Cadmium, Total	0.0042	0.0084	0.005	0.010	0.0125	
Aluminum, Total	0.230	0.460	0.275	0.550	0.680	
Cobalt, Total	0.042	0.084	0.050	0.100	0.125	
Iron, Total	2.090	4.180	2.500	5.000	6.300	
Barium	0.085	0.170	0.100	0.200	0.250	
Mercury	0.0016	0.0032	0.0019	0.0038	0.0047	
Nickel	0.250	0.500	0.300	0.600	0.750	
Silver			Monitor and Report	Monitor and Report		
Cyanide, Total	0.085	0.170	0.100	0.200	0.250	
Vanadium			Monitor and Report	Monitor and Report		
Phenol			0.050	0.100	0.125	
Thallium	0.085	0.170	0.100	0.200	0.250	
Copper, Total	0.042	0.084	0.050	0.100	0.125	
Lead, Total	0.030	0.060	0.036	0.072	0.90	
Manganese	0.850	1.700	1.000	2.000	2.500	
Zinc, Total	0.250	0.500	0.300	0.600	0.750	
Chloroform			0.010	0.020	0.025	
Chloromethane			0.100	0.200	0.250	
Methylene Chloride			0.100	0.200	0.250	
Toluene			0.050	0.100	0.125	
Butyl Benzyl Phthalate			0.010	0.020	0.025	
2-Chloronaphthalene			0.010	0.020	0.025	
Diethyl Phthalate			0.025	0.050	0.063	
Lindane			0.010	0.020	0.025	
Isophorone			0.050	0.100	0.125	

<i>Discharge Parameter</i>	<i>Effluent Limitations</i>					
	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Annual Average</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Bromoform			0.540			6.480
Total Halomethanes			0.027			0.324
Acetone				0.109	0.218	0.273
2-Butanone				0.210	0.420	0.525
1,2,3-Trichloropropane				0.100	0.200	0.250
Xylene				0.010	0.020	0.025
1-Propanol				0.550	1.100	1.350
2-Propanol				0.540	1.080	1.350
4'-4 DDT				0.00004	0.00008	0.0001
Pentachlorophenol				Monitor and Report	Monitor and Report	
Total Phenols				0.270	0.540	0.680
Tetrahydrofuran				0.025	0.050	0.063
P-Cresol				0.050	0.100	0.125
2-Hexanone				0.015	0.030	0.037
4-Methyl-2-Pentanone				0.015	0.030	0.037
Dibromomethane				0.010	0.020	0.025
1,1,1-Trichloroethane				0.100	0.200	0.250
1,2-Trans Dichloroethylene				0.030	0.060	0.075
Benzene				0.050	0.100	0.125

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Annual Average</i>	<i>Concentrations (mg/L)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
1-1 Dichloroethane				0.090	0.180	0.230
Chlorobenzene				0.050	0.100	0.125
DI-N-Butyl Phthalate				0.830	1.660	2.080
1,2 Dichloroethane				Monitor and Report	Monitor and Report	
Tetrachloroethylene				Monitor and Report	Monitor and Report	
Trichloroethylene				Monitor and Report	Monitor and Report	
Toxicity (Toxics Unit Chronic)					Monitor and Report	
PCBs					Monitor and Report	

The proposed effluent limitations for the following parameters for Outfall 001 are based on discharge flow of 0.3 mgd, from completion and start up of a new IWWTP lasting through expiration:

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow (mgd)	0.30					
BOD ₅	44.2	88.4		18.0	36.0	45.0
BOD ₅ % Removal			DRBC Requirement 95%			
Total Suspended Solids	75.0	50.0		30	60	75
TSS (% Removal)	90%					
Total Dissolved Solids				15,000	20,000	25,000
Ammonia (as N)	12.26	25.0		4.9	10.0	15.0
CBOC ₂₀	30.0	60.0				
Oil and Grease	37.5	75.0		15	30	30
True Color (Pt-Co)						1,500
Fecal Coliform				#200/100 ml		1,000*
Temperature (° F)				Monitor and Report		
pH (Standard Units)			Within Limits of 6.0 to 9.0	Standard Units at all times		
Total Organic Nitrogen				Monitor and Report	Monitor and Report	
Total Kjeldahl Nitrogen				Monitor and Report	Monitor and Report	
Nitrate and Nitrite Nitrogen				Monitor and Report	Monitor and Report	
Total Phosphorus as P				Monitor and Report	Monitor and Report	
Total Residual Chlorine				0.5	1.0	1.2
Antimony, Total	1.13	2.26		0.450	0.900	1.130
Arsenic, Total	0.375	0.750		0.150	0.300	0.375
Beryllium	0.0125	0.0250		0.005	0.010	0.0125
Boron (Influent)	Monitor and Report	Monitor and Report		Monitor and Report	Monitor and Report	Monitor and Report
Boron (Effluent)	Monitor and Report	Monitor and Report		Monitor and Report	Monitor and Report	Monitor and Report
Boron (% Removal)	≥ 10%					
Chromium, Total	0.375	0.750		0.150	0.300	0.375

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Annual Average</i>	<i>Concentrations (mg/L)</i>		<i>Instantaneous Maximum⁽²⁾</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
Cadmium, Total	0.0125	0.0250		0.005	0.010	0.0125
Aluminum, Total	0.688	1.376		0.275	0.550	0.680
Cobalt, Total	0.125	0.250		0.050	0.100	0.125
Iron, Total	6.25	12.50		2.500	5.000	6.300
Barium	0.250	0.500		0.100	0.200	0.250
Mercury	0.001	0.002		0.0004	0.0008	0.0010
Nickel	0.500	1.000		0.200	0.400	0.500

Discharge Parameter	Effluent Limitations					
	Mass Units (lbs/day)		Concentrations (mg/L)			Instantaneous Maximum ⁽²⁾
	Average Monthly	Maximum Daily	Annual Average	Average Monthly	Maximum Daily	
Silver	0.025	0.050		0.010	0.020	0.025
Cyanide, Total	0.125	0.250		0.050	0.100	0.125
Vanadium	0.125	0.250		0.050	0.100	0.125
Phenol	0.0375	0.065		0.015	0.026	0.037
Copper, Total	0.125	0.250		0.050	0.100	0.125
Lead, Total	0.090	0.180		0.036	0.072	0.090
Manganese	2.50	5.00		1.000	2.000	2.500
Zinc, Total	0.275	0.500		0.110	0.200	0.250
Total Halomethanes			0.027			0.324
Chloroform				0.010	0.020	0.025
Chloromethane				0.100	0.200	0.250
Methylene Chloride				0.100	0.200	0.250
Toluene				0.050	0.100	0.125
Benzene				0.036	0.072	0.090
Butyl Benzyl Phthalate	0.025	0.050		0.010	0.020	0.025
2-Chloronaphthalene	0.025	0.050		0.010	0.020	0.025
Diethyl Phthalate	0.0625	0.125		0.025	0.050	0.063
Lindane	0.0250	0.050		0.010	0.020	0.025
Isophorone	0.125	0.250		0.050	0.100	0.125
Acetone	0.273	0.546		0.109	0.218	0.273
2-Butanone	0.525	1.050		0.210	0.420	0.525
1,2,3-Trichloropropane	0.250	0.500		0.100	0.200	0.250
Xylene				0.010	0.020	0.025

Discharge Parameter	Effluent Limitations					
	Mass Units (lbs/day)		Concentrations (mg/L)			Instantaneous Maximum ⁽²⁾
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
1-Propanol	1.376	2.752	0.550	1.100	1.350	
2-Propanol	1.350	2.700	0.540	1.080	1.350	
4'-4 DDT	0.000008	0.000016	0.000003	0.000006	0.000008	
Total Phenols	0.675	1.351	0.270	0.540	0.680	
Tetrahydrofuran	0.0625	0.125	0.025	0.050	0.063	
P-Cresol	0.035	0.0625	0.014	0.025	0.035	
2-Hexanone	0.0375	0.0750	0.015	0.030	0.037	
4-Methyl-2-Pentanone	0.0375	0.0750	0.015	0.030	0.037	
Dibromomethane	0.0250	0.0500	0.010	0.020	0.025	
1,1,1-Trichloroethane	0.250	0.500	0.100	0.200	0.250	
1,2-Trans Dichloroethylene	0.075	0.150	0.030	0.060	0.075	
1-1 Dichloroethane	0.225	0.450	0.090	0.180	0.230	
Benzoic Acid	0.177	0.300	0.071	0.120	0.150	
α — terpineol	0.040	0.082	0.016	0.033	0.040	
1,2 Dichloroethane			Monitor and Report	Monitor and Report		
Tetrachloroethylene			Monitor and Report	Monitor and Report		
Trichloroethylene			Monitor and Report	Monitor and Report		
Toxicity (Toxics Unit Chronic)				Monitor and Report		
PCBs, Total				Monitor and Report		
Tritium			Monitor and Report	Monitor and Report		
Chlorodane			Monitor and Report	Monitor and Report		
Heptachlor			Monitor and Report	Monitor and Report		
4-4' DDD	0.000008	0.000016	0.000003	0.000006	0.000008	
4-4' DDE	0.000008	0.000016	0.000003	0.000006	0.000008	
Benzidine			Monitor and Report	Monitor and Report		
Chlordane			Monitor and Report	Monitor and Report		

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Effluent Limitations</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Concentrations (mg/L)</i>		
			<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum ⁽²⁾</i>
Dieldrin			Monitor and Report	Monitor and Report	
Heptachlor			Monitor and Report	Monitor and Report	
Heptachlor Epoxide			Monitor and Report	Monitor and Report	
Toxaphene			Monitor and Report	Monitor and Report	

* Shall not exceed in more than 10 percent of samples.

The proposed effluent limitations for the following parameters for stormwater outfalls listed below are based on stormwater event as follows:

<i>I.</i>	<i>Outfall</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Which Receives Stormwater From</i>
	003	40° 09' 08"	74° 46' 12"	Capped Landfill Areas
	004	40° 08' 55"	74° 46' 22"	Active Landfill Areas
	005	40° 09' 08"	74° 46' 10"	Capped Landfill Area
	006	40° 08' 14"	74° 46' 08"	Parking Lot and Maintenance
	009	40° 08' 30"	74° 46' 04"	Impervious Area of IWTP
	010	40° 08' 34"	74° 46' 59"	Capped Landfill Areas
	011	40° 08' 31"	74° 45' 25"	Sedimentation Basin No. 2 for 80-acre eastern expansion
	012	40° 08' 23"	74° 45' 47"	Capped Landfill Area

<i>Discharge Parameter</i>	<i>Effluent Limitations (mg/l)</i>	
	<i>Average Annual</i>	<i>Maximum Daily</i>
C-Biochemical Oxygen Demand (5 Day)	Monitor and Report	Monitor and Report
Total Dissolved Solids (TDS)	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Lead (Total)	Monitor and Report	Monitor and Report
Total Organic Carbon (TOC)	Monitor and Report	Monitor and Report
Chromium (Total)	Monitor and Report	Monitor and Report
Barium (Total)	Monitor and Report	Monitor and Report
Cadmium (Total)	Monitor and Report	Monitor and Report
Mercury (Total)	Monitor and Report	Monitor and Report
Selenium (Total)	Monitor and Report	Monitor and Report
Silver (Total)	Monitor and Report	Monitor and Report
Ammonia	Monitor and Report	Monitor and Report
Arsenic (Total)	Monitor and Report	Monitor and Report
Cyanide (Total)	Monitor and Report	Monitor and Report
Nitrate plus Nitrite as Nitrogen	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report
Magnesium (Total)	Monitor and Report	Monitor and Report
Magnesium (Dissolved)	Monitor and Report	Monitor and Report

The EPA waiver is in effect.

Other Requirements:

1. Effective Disinfection.
2. Remedial Measures.
3. Department Rights to Modify the Permit.
4. BOD₅ % Removal.
5. Certain Test Methods for Pollutants.
6. Change in Ownership.
7. TRC Minimization.
8. Proper Sludge Disposal.
9. Annual Average Definition.
10. TMDL/WLA Analysis.

11. Toxicity—Chronic Monitoring.
12. I-max Sampling Requirements.
13. 2/Month Sampling Requirements.
14. Stormwater Outfalls Requirements.
15. TRC/THMs Monitoring Requirements.
16. Total THMs Definition.
17. Grab Sample Definition.
18. Monitoring of Untreated Lechate Quality and Quantity.
19. Control of Stormwater Runoff.
20. Management of Lechate Discharge Rate.
21. Removal of 100% Pollutant of Outside DRBC Area Waste.
22. DRBC Pollutant Loading and Recordkeeping Requirements Clause.
23. Permit Reopener Clause.
24. PCBs Minimization Plan.

PA0011070, Industrial Waste, SIC 2521 and 2222, **Knoll, Inc.**, 1235 Water Street, P. O. Box 157, East Greenville, PA 18041. This facility is located in Upper Hanover Township, **Montgomery County**.

The application is for renewal of an NPDES permit to discharge 400 gpd of treated process water (MP 101), 40,000 gpd of treated sewage wastewater (MP 201), and 31,100 gpd of noncontact cooling water (MP 301) from Outfall 001 of the Knoll, Inc., facility located in Upper Hanover Township, **Montgomery County**. This is an existing discharge to Perkiomen Creek. At the point of discharge, Perkiomen Creek is in the State Water Plan 3E and is classified for TSF. The facility has two stormwater outfalls, namely 002 and 003. Outfall 002 receives stormwater from Fabrication Building areas, while Outfall 003 receives stormwater from Lubin Building areas. Outfall 003 also receives, in an emergency, 21,500 gpd of noncontact cooling water (MP103) from Lubin Building areas. Both of these outfalls discharge into Perkiomen Creek adjacent to Outfall 001.

The proposed effluent limits for Outfall 001 are based on an average flow of 71,500 gpd:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Phosphorus as P	0.5		1.2
Fecal Coliform (#/100 ml)	200 Geometric Mean		1,000*
pH (Standard Units)	6.0 Instantaneous Min		9.0
Total Residual Chlorine	0.5		1.3

The proposed effluent limits for MP 101 are based on an average flow of 400 gpd:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>
Cadmium	Monitor and Report	Monitor and Report
Copper	Monitor and Report	Monitor and Report
Zinc	Monitor and Report	Monitor and Report
N-Nitrosodimethylamine	Monitor and Report	Monitor and Report

The proposed effluent limits for MP 201 are based on an average flow of 40,000 gpd:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	10	20	
(11-1 to 4-30)	20	40	
Fecal Coliform (#/100 ml)	200 Geometric Mean	1,000*	
pH (Standard Units)	6.0 Instantaneous Min		9.0
Total Residual Chlorine	0.5		1.3

The proposed effluent limits for MP 301 are based on an average flow of 31,100 gpd:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Temperature (° F)			110
pH (Standard Units)	6.0 Inst. Min		9.0
Total Residual Chlorine	0.5		1.3

The proposed effluent limits for Outfalls 002 and 003 are based on a stormwater event:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
CBOD ₅			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH (STD)			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorus			Monitor and Report
Iron (Dissolved)			Monitor and Report

The proposed effluent limits for MP 103 (during an emergency only) are based on an average flow of 21,500 gpd:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Temperature (° F)			110
pH (Standard Units)	6.0 Instantaneous Minimum		9.0
Total Residual Chlorine	0.5		1.3

The EPA waiver is in effect.

Other Requirements:

1. Notification of the Designated Plant Operator.
2. Effective Disinfection.
3. Abandon of Discharge if STP Available.
4. No Stormwater.
5. Small Stream Discharge.
6. Remedial Measures.
7. Laboratory Certification.
8. Approved Chemical Usage Rates.
9. Chemical Additives Requirements.
10. Approved Test Method.
11. Change in Ownership.
12. Minimization of Chlorine Use.
13. Proper Sludge Disposal.
14. Watershed TMDL/WAL Analysis.
15. Facility Operator Certification Requirements.
16. I-Max Definitions.
17. 2/Month Monitoring Requirements.
18. Stormwater Requirements.
19. Operation and Maintenance Requirements.
20. PPC Plan Requirements.
21. No PCBs Discharges.

PA0058343, Sewage, SIC 4952, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 0.26 mgd of treated sewage into a UNT to Deep Run.

The receiving stream, Deep Run, is in the State Water Plan Watershed 2D and is classified for: WWF. The nearest downstream public water supply intake for Point Pleasant is located on Delaware River and is 11.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.26 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Instantaneous Maximum (mg/l)
CBOD ₅					
(5-1 to 10-31)	22	32	10	15	20
(11-1 to 4-30)	43	65	20	30	40
Total Suspended Solids	22	32	10	15	20
Ammonia as N					
(5-1 to 10-31)	22		1.0		2.0
(11-1 to 4-30)	4.3		2.0		4.0
NO ₂ + NO ₃ as N	21.7		10.0		20.0
Phosphorus					
(4-1 to 10-31)	1.7		0.8		1.6
(11-1 to 3-31)			Monitor and Report		
Fecal Coliform			200 colonies/100 ml as a Geometric Average		1,000 #/100 ml
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 Standard Units at all times		

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

Special Conditions:

1. Responsible Operator.
2. Small Stream Discharge.
3. TMDL/WLA Analysis.
4. UV Disinfection.
5. SPW Discharge.

PA0244511, Sewage, SIC 8811, **Bruce Shepherd**, 1009 Telegraph Road, Coatesville, PA 19320. This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge 500 gpd of treated sewage into a UNT of West Branch of Brandywine Creek from a small-flow sewage treatment plant.

The receiving stream, West Branch of Brandywine Creek, is in the State Water Plan Watershed 3-H and is classified for: HQ-S.

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

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅			10		20
Total Suspended Solids			10		20
Ammonia as N			3.0		6.0
Fecal Coliform			200 #/100 ml		
Dissolved Oxygen			6.0 minimum		
pH (Standard Units)			6.0 minimum		9.0

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

1. AMMR to DEP.
2. Abandon STP.
3. Remedial Measures.
4. Change of Ownership.
5. Sewage Sludge Disposal.
6. Necessary Property Rights.

PA0244503, Sewage, SIC 8811, **Bruce Shepherd**, 1009 Telegraph Road, Coatesville, PA 19320. This proposed facility is located in West Caln, **Chester County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge 500 gpd of treated sewage into a UNT of West Branch of Brandywine Creek from a small-flow sewage treatment plant.

The receiving stream, West Branch of Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-S.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			10		20
Total Suspended Solids			10		20
Ammonia as N			3.0		6.0
Fecal Coliform			200 #/100 ml		
Dissolved Oxygen			6.0 min		
pH (Standard Units)			6.0 min		9.0

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

7. AMMR to DEP and BCHD.
8. Abandon STP.
9. Remedial Measures.
10. Change of Ownership.
11. Sewage Sludge Disposal.
12. Necessary Property Rights.

PA0244490, Sewage, SIC 8811, **Bruce Shepherd**, 1009 Telegraph Road, Coatesville, PA 19320. This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge 500 gpd of treated sewage into a UNT of West Branch of Brandywine Creek from a small-flow sewage treatment plant.

The receiving stream, West Branch of Brandywine Creek, is in the State Water Plan Watershed 3-H and is classified for: HQ-S.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			10		20
Total Suspended Solids			10		20
Ammonia as N			3.0		6.0
Fecal Coliform			200 #/100 ml		
Dissolved Oxygen			6.0 minimum		
pH (Standard Units)			6.0 minimum		9.0

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

13. AMMR to DEP.
14. Abandon STP.
15. Remedial Measures.
16. Change of Ownership.
17. Sewage Sludge Disposal.
18. Necessary Property Rights.

PA0058785, Sewage, **Gregory A. and Marion B. Gans**, 196 Springton Road, Glenmoore, PA 19343. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant.

The receiving stream, a UNT to Culbertson Run, is in the State Water Plan Watershed 3H and is classified for: HQ-W, TSE, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia as N (5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
Total Residual Chlorine			Monitor and Report 200/100 ml Geometric mean		Monitor and Report 1,000/100 ml
Fecal Coliform					
Dissolved Oxygen			Minimum of 3.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 Standard Units at all times		

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

1. AMR Submission.
2. Phase Out when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Small Stream Discharge.
8. Sludge Disposal Requirement.
9. Emergency Backup Use of Chlorine Disinfection.

PA0024058, Sewage, **Borough of Kennett Square**, 120 Marshall Street, Kennett Square, PA 19348. This existing facility is located in Kennett Township, **Chester County**.

Description of Proposed Activity: This application is for the renewal of the NPDES permit for the existing discharge of treated sewage from the Kennett Square Borough WWTP.

The receiving stream, West Branch Red Clay Creek, is in the State Water Plan Watershed 3I and is classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 mgd.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentrations (mg/l)</i>				
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Maximum Daily</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	
CBOD ₅ (5-1 to 10-31)	152	228		17	25		33	
(11-1 to 4-30)	230	365		25	40		50	
Total Suspended Solids	275	412		30	45		60	
Ammonia as N (05-01 to 10-31)	18			2.0			4.0	
(11-01 to 04-30)	55			6.0			12.0	
Phosphorus as P (4-1 to 10-31)	12			1.3			2.6	
years 1 and 2 (11-1 to 3-31)	M/R			M/R				
years 1 and 2 (4-1 to 10-31)	12			1.3			2.6	
years 3—5 (11-1 to 3-31)	18			2.0			4.0	
years 3—5 Fecal Coliform				200/100 ml Geometric Mean			1,000/100 ml	
Dissolved Oxygen pH (Standard Units)				6.0 minimum 6.0 minimum				9.0
Total Nitrogen (years 1 and 2)	M/R			M/R				
Phenols, Total	0.21		0.42	0.023		0.046	0.058	

M/R = Monitor and Report

The proposed requirements for stormwater Outfall 002 are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Annual</i>	<i>Average Semi-Annual</i>	<i>Monthly Average</i>	<i>Maximum Daily</i>
CBOD ₅	Monitor and Report			
COD	Monitor and Report			
Oil and Grease	Monitor and Report			
pH (Standard Units)	Monitor and Report			
Total Suspended Solids	Monitor and Report			
Total Kjeldahl Nitrogen	Monitor and Report			
Total Phosphorus	Monitor and Report			
Iron Dissolved	Monitor and Report			

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

1. Notification of Designation of Operator.
2. Average Weekly Reporting.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Discharge to Small Stream.
7. Test Methods.
8. Sludge Disposal Requirement.
9. TMDL/WLA Analysis.
10. 2/Month Monitoring Requirements.
11. Chronic WET at Renewal.
12. Pretreatment Program.
13. Laboratory Certification.
14. Operations and Maintenance Plan.
15. Stormwater Discharge Requirements.
16. Emergency Backup Use of Chlorine Disinfection.
17. Certified Operator.
18. Imax Requirements.
19. Fecal Coliform I-Max Reporting.

PA0042641, Sewage, SIC 8811, **Department of Conservation and Natural Resources**, 2808 Tree Mile Run Road, Perkasio, PA 18944. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: Issuance of NPDES Permit's renewal to discharge 0.2 mgd of treated sewage into UNT of Tohickon Creek from Nockamixon State Park STP.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for following uses: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-1 to 10-31)	20				40
(11-1 to 4-30)	25				50
Total Suspended Solids	30				60
Ammonia as N					
(5-1 to 10-31)	2.0				4.0
(11-1 to 4-30)	4.0				8.0
pH (Standard Units)			6.0		9.0
Fecal Coliform			200 #/100 ml		1,000 #/100 ml
Dissolved Oxygen			Minimum 5.0		
Total Residual Chlorine			0.5		1.2

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

1. Notification of Operator to Department.
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. Changes of Ownership.
8. Adequate Disinfection and TRC Minimization.
9. Proper Sludge/Solids Disposition.
10. I-Max Definition.
11. Plant Operation and Maintenance Plan.
12. Laboratory Certification.
13. I/I Reductions.
14. Emergency Management Plan.
15. Instantaneous Maximum Concentration for Fecal Coliform.

PA0057819, Sewage, SIC 4952, **New Hanover Township Authority**, 2990 Fagleysville Road, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge 1.925 mgd of treated sewage from New Hanover Township Authority Sewage Treatment Plant located at 2990 Fagleysville Road, Gilbertsville, in New Hanover Township, **Montgomery County**.

The receiving stream Swamp Creek is in the State Water Plan Watershed 3E and is classified for TSF. The nearest downstream public water supply intake is for Philadelphia Suburban Water Company, which is located on Perkiomen Creek is approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on an annual average flow of 1.925 mgd:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Instantaneous Maximum
CBOD ₅					
(5-1 to 10-31)	160	241	10	15	20
(5-1 to 10-31)	241	361	15	23	30
Total Suspended Solids	160	241	10	15	20
Ammonia as N					
(5-1 to 10-31)	24.0		1.5		3.0
(11-1 to 4-30)	48.0		3.0		6.0
Phosphorus as P	14.0		0.9		1.8
Total Dissolved Solids			1,000	2,000	2,500
				DailyMaximum	
NO ₂ -N and NO ₃ -N			Monitor		
Fecal Coliform (#/100 ml)			200		1,000*
Dissolved Oxygen			5.0 Minimum at all times		
pH (Standard Units)			Within Limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfalls 002—005 based on an average storm event:

Parameter	Average Monthly	Concentration (mg/l) Average Weekly	Daily Maximum
CBOD ₅			Monitor and Report
COD			Monitor and Report
Total Suspended Solids			Monitor and Report
Oil and Grease			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorus			Monitor and Report
Fecal Coliform			Monitor and Report
Iron, Dissolved			Monitor and Report
pH (Standard Units)			Monitor and Report

Monitoring of Outfalls 002—004 is not required.

The EPA waiver is not in effect.

Other Requirements:

1. Operator Notification.
2. “Average Weekly” Definition.
3. Remedial Measures.

4. No Stormwater.
5. Acquiring Necessary Property Rights.
6. Small Stream Discharge.
7. Change in Ownership.
8. Proper Sludge Disposal.
9. Applicable TMDL/WLA Analysis.
10. WET Test Requirements.
11. Certified Operator Requirements.
12. "Inst. Maximum" Definition.
13. UV Disinfection Requirements.
14. Stormwater Monitoring Requirements.
15. Operation and Maintenance Plan.
16. Laboratory Certification Requirements.
17. Fecal Coliform Monitoring Requirements.
18. No PCBs Discharge.

PA0010944, Industrial Waste, **Glenn Springs Holdings, Inc.**, 5005 LBJ Freeway, Suite 1350, Dallas, TX 75244-6119. This facility is located at 375 Armand Hammer Boulevard, Pottstown in Lower Pottsgrove Township, **Montgomery County**.

The application is for renewal of an NPDES permit to discharge 0.5 mgd treated groundwater (Outfall 005), stormwater (Outfalls 003—006) fire water pond overflow (MP 103, Outfall 003), and treated stormwater in case of emergency (MP303, Outfall 003) from Glenn Springs Holdings, Inc. (formally known Occidental Chemical Corporation), located in Lower Pottsgrove Township, **Montgomery County**. This is an existing discharge to Schuylkill River by means of dry swale (Stream Code 00833). At point of discharge, the stream is in the State Water Plan Watershed 3D and is classified for WWF.

The proposed effluent limits for Outfall 005, based on an average flow of 0.50 mgd, are as follows:

Outfall 005 (Groundwater Treatment System Effluent):

<i>Discharge Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly Average</i>	<i>Instantaneous Maximum</i>
Flow (gpd)	Monitor and Report	
Tetrachloroethene (PCE)	Nondetect	Nondetect
Trans-1,2-Dichloroethane	Nondetect	Nondetect
Vinyl Chloride	Nondetect	Nondetect
Cis-1,2-Dichloroethene	0.00275	0.0041
Chloroform	Nondetect	Nondetect
Trichloroethene (TCE)	0.00445	0.0070
Ethyl benzene	Nondetect	Nondetect
Styrene	Nondetect	Nondetect
Phenols, Total	Monitor and Report	Monitor and Report
pH (Standard Units)	6.0 Instantaneous Minimum	9.0

The proposed effluent limitations for stormwater Outfalls 003—006, based on storm event, are as follows:

<i>Discharge Parameter</i>	<i>Concentration (mg/l) Inst. Max.</i>
Chemical Oxygen Demand	Monitor and Report
Oil and Grease	Monitor and Report
pH (Standard Units)	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Water Priority Chemicals**	Monitor and Report

The proposed effluent limitation for MP 103 (fire water pond overflow), by means of Outfall 003, are as follows:

<i>Discharge Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly Average</i>	<i>Instantaneous Maximum</i>
Flow (GPD)	Monitor and Report	
Total Residual Chlorine	0.5	1.0

The proposed effluent limitation for MP 303 (Oil/water separator), by means of Outfall 003, are as follows:

Discharge Parameter	Concentration (mg/l)		
	Monthly Average	Daily Maximum	Instantaneous Maximum
Flow (mgd)	Monitor		
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Oil and Grease	15		30
pH (Standard Units)	6.0 Instantaneous Minimum		9.0
Temperature(° F)			110
Zinc, Total	Monitor and Report	Monitor and Report	

The EPA waiver is in effect.

Other Requirements:

22. Remedial Measures.
23. Applicable BAT/BCT Analysis.
24. Approved Test Method.
25. Change in Ownership.
26. Watershed TMDL/WAL Analysis.
27. No Discharge from Air Stripping Tower.
28. Stormwater Requirements.
29. Laboratory Certification.
30. Submission of PPC Plan.
31. Chemical Additive Requirement.
32. No PCBs Discharge.
12. PCBs Monitoring Requirement for Outfall 003.

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

Application No. PA 0086282, Industrial Waste, SIC Code 4922, **Texas Eastern Transmission**, LP, 429 Station Road, Grantville, PA 17028. This facility is located in East Hanover Township, **Dauphin County**.

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

The receiving stream, UNT to Bow Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water Company located on the Swatara Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.14 mgd are:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCBs	XXX	XXX	9.77×10^{-8}	1.95×10^{-7}	2.44×10^{-7}

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

The EPA waiver is in effect.

Application No. PA 0026875, Amendment No. 1, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This facility is located in Conewago Township, **Adams County**.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 5.6 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.06		0.2
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Chesapeake Bay Requirements

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

In addition, the permit contains effluent limits to discharge wet weather flow up to 12 mgd to Plum Creek at Outfall 002 as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.02		0.07
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Chesapeake Bay Requirements

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

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

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary.

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.

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

PA0217158, Industrial Waste, SIC 4911, **The Authority of the Borough of Charleroi**, 3 McKean Avenue, Charleroi, PA 15022. This application is for renewal of an NPDES permit to discharge treated process water from a water treatment plant in Charleroi Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream Potable Water Supply is PA American Water Authority, located at Elrama, 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.266 mgd.

Parameter	Mass (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
Zinc			0.035		0.050
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0254037, Industrial Waste, SIC 1389, **Penn Woods Enterprises, LLC**, 1264 Maple Valley Road, Meyersdale, PA 15552.

This application is for issuance of an NPDES permit to discharge treated process water from the Casselman Waterworks Water Treatment Plant in Summit Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, Casselman River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream Potable Water Supply is Ohiopyle Borough Municipal Water Works, located at Ohiopyle, 43.35 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.5 mgd.

Parameter	Mass (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
BOD ₅			53.0	163	
Total Suspended Solids			30	60	
Oil and Grease			15	30	
Aluminum			2.63	5.26	
Barium			10	20	
Cadmium			0.004	0.008	
Chromium (VI)			0.057	0.114	
Copper			0.049	0.098	
Iron, Total			3.5	7.0	
Iron, Dissolved				7.0	
Lead			0.055	0.110	
Manganese			2.0	4.0	
Silver			0.014	0.028	
Strontium			10	20	
Zinc			0.420	0.497	
Benzene			0.001	0.002	
Ethylbenzene			Monitor and Report		
Toluene			Monitor and Report		
Xylenes			Monitor and Report		
Total BTEX			0.1	0.2	
Phenols			Not Detectable		
Acetone			7.97	30.2	
Acetophenone			0.0562	0.114	
2-Butanone			1.85	4.81	
o-Cresol			0.561	1.92	
p-Cresol			0.205	0.698	
Pyridine			0.182	0.370	
2, 4, 6-Trichlorophenol			0.106	0.155	

Parameter	Mass (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Dissolved Solids			500	750	
Sulfate				250	
Chloride				250	
Bromide			Monitor and Report		
Osmotic Pressure (mOs/kg)			Monitor and Report		
Acidity			Less than Alkalinity		
Alkalinity			Monitor and Report		
pH			not less than 6.0 nor greater than 9.0 Standard Units		

Other Conditions: Special conditions concerning priority pollutant sampling, residual/hazardous waste disposal, storm water, oil-bearing wastewaters, chemical additives, and residual waste receipt reporting.

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)

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

WQM Permit No. 1509403, Sewerage, **Bruce E. Shepherd, Hibernia Homes**, 171 Creamery Road, 1009 Telegraph Road, Coatesville, PA 19320-1001. This proposed facility is located in West Caln Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new individual stream discharge small flow wastewater treatment facility.

WQM Permit No. 1509404, Sewerage, **Bruce E. Shepherd, Hibernia Homes**, 191 Creamery Road, 1009 Telegraph Road, Coatesville, PA 19320-1001. This proposed facility is located in West Caln Township, **Chester County**.

Description of Action/Activity: Construction and operation of new individual stream discharge small flow wastewater treatment facility.

WQM Permit No. 0909407, Sewerage, **Glen Nash**, 1845 Klines Mill Road, Quakertown, PA 18951. This proposed facility is located in Milford Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small flow sewage treatment facility onlot system repair.

WQM Permit No. WQG02460907, Sewerage, **Girl Scouts of Eastern Pennsylvania**, P. O. Box 27540, Philadelphia, PA 19118. This proposed facility is located in Upper Hanover & Frederick Townships, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. 1509407, Sewerage, **Penn Township**, 260 Lewis Road, West Grove, PA 19390. This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Construction and operation of 2 pump stations.

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

WQM Permit No. 0290208-A1, Industrial Waste, **Port Authority of Allegheny County**, 345 Sixth Avenue, Pittsburgh, PA 15222-2527. This existing facility is located in Collier Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 0293201-A1, Industrial Waste, **Port Authority of Allegheny County**, 345 Sixth Avenue, Pittsburgh, PA 15222-2527. This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 3009401, Sewerage, **Target Drilling, Inc.**, 1112 Glacier Drive, Smithton, PA 15479. This proposed facility is located in Whiteley Township, **Greene County**.

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

WQM Permit No. 0209405, Sewerage, **Neville Township**, 5050 Grand Avenue, Pittsburgh, PA 15225. This proposed facility is located in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewage pumping and transmission facilities.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. 6505411-A1, Sewerage, **Greater Greensburg Sewage Authority**, P. O. Box 248, Greensburg, PA 15601-0248. This existing facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment.

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>
PAI010909006	Hager Development Company, Inc. P. O. Box 26767 Elkins Park, PA 19027	Bucks	Tinicum Township	Tinicum Creek EV
PAI015109004	University of Pennsylvania 3101 Walnut Street Philadelphia, PA 19104-6289	Philadelphia	City of Philadelphia	Schuylkill River 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>
PAI023909014	Rob Bennett Bennett Lehigh St. Holdings, LP 4001 Schoolhouse Lane Center Valley, PA 18034	Lehigh	Allentown City	Trout 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>
PAI025209004	Shi, Kam-Sau S & S Construction Group 206 West Harford Street Milford, PA 18337	Pike	Dingman Township	Sloat Creek HQ-CWF Sawkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030603005-R	John Hilbert 352 Renninger Road Perkiomenville, PA 18074	Berks	Pike Township	UNT to Oysterville Creek HQ-CWF

Northcentral Region: Watershed 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>
PAI041409008	William Ayoub Grace Lutheran Church 205 South Garner Street State College, PA 16801	Centre	State College Borough	Thompson Run HW-CWF

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

Allegheny County Conservation District, Lexington Technology Park, Suite 102, 400 North Lexington Street, Pittsburgh, PA 15208-2566, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050209004	Timothy Felt Quaker Valley Recreation Association, Inc. P. O. Box 74 Leetsdale, PA 15056	Allegheny	Bell Acres Borough	Little Sewickley Creek HQ-TSF

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

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

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

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Wayne A. Marcho Farm						
Thistle Creek Farm Justin and Eve Beamesderfer H—10702 Jonestown Road Annville, PA 17003	Lebanon	74.5	263.72	Poultry, Veal and Beef	NA	Renewal
F—10696 Jonestown Road Annville, Pa 17003						
Penn England Farm R. D. 1 Box 152 Williamsburg, PA 16693	Blair	2,510.1	3,251.75	Dairy	Clover Creek—HQ Piney Creek—HQ Fox Run—HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)
 PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and 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

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

Permit Application No. 4009520, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Oakhill Water System
50 East Woodhaven Drive
White Haven, PA
Lehman Township

County **Luzerne**

Responsible Official Patrick Burke

Type of Facility Public Water System

Consulting Engineer CET
1240 North Mountain Road
Harrisburg, PA

Application Received Date June 16, 2009

Description of Action The addition of well 3 to replace well 2.

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

Permit No. 9996570, Public Water Supply.

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

Township or Borough Jersey City, New Jersey

Responsible Official Jeremiah Jarecke, QA Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date June 17, 2009

Description of Action Applicant requesting Department approval to sell bottled water in Pennsylvania under the following brand names: Deer Park Drinking Water and Nestle Pure Life Purified Water.

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

Permit No. 9996457, Public Water Supply.

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

Township or Borough Zephyrhills, Florida

Responsible Official Chuck Barlick, Quality Control Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date June 9, 2009

Description of Action Applicant requesting Department approval to change corporate name from Great Spring Waters of America to Nestle Waters North America, Inc. and to sell a new purified bottled water product in Pennsylvania. The following bottled water brands are to be sold in Pennsylvania: Ice Mountain Natural Spring Water, Zephyrhills Natural Spring Water, Zephyrhills Drinking Water, Great Bear Drinking Water, Deer Park Spring Water, Deer Park Drinking Water, Zephyrhills Distilled Water and Gerber Pure Purified Water.

MINOR AMENDMENT

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

Application No. 4509506MA, Minor Amendment.

Applicant **The Manwalamink Water Co.**
P. O. Box 48
Shawnee on Delaware, PA
Middle Smithfield Township
Monroe County

Responsible Official Christopher Karlson

Type of Facility Public Water System

Consulting Engineer HRG
104 Route 611
Suite 1
Bartonsville, PA

Application Received Date June 11, 2009

Description of Action The installation of a pipeline to provide chlorine contact time at well 5.

Application No. 4509505MA, Minor Amendment.

Applicant **Monroe County Correctional Facility**
4250 Manor Drive
Stroudsburg, PA
Hamilton Township
Monroe County

Responsible Official Robert Gress

Type of Facility Public Water System

Consulting Engineer Smith Miller Associates
239 Schuyler Avenue
Kingston, PA

Application Received Date June 5, 2009

Description of Action	The replacement of a greensand filter at the Monroe County Correctional Facility.
<i>Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>	
Application No. 2690505MA , Minor Amendment.	
Applicant	North Fayette County Municipal Authority 1634 University Drive P. O. Box 368 Dunbar, PA 15431
Township or Borough	Lower Tyrone Township
Responsible Official	Robert Softcheck, Manager North Fayette County Municipal Authority 1634 University Drive P. O. Box 368 Dunbar, PA 15431
Type of Facility	Lower Tyrone Township water storage tank
Consulting Engineer	Widmer Engineering 225 West Crawford Avenue Connellsville, PA 15425
Application Received Date	June 8, 2009
Description of Action	Construction of a 300,000 gallon water storage tank.

Application No. 6509504MA, Minor Amendment.

Applicant	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Township or Borough	Allegheny Township
Responsible Official	William Castelli, Distribution Facilities Superintendent Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Type of Facility	Vandergrift No. 1 water storage tank
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	June 23, 2009
Description of Action	Painting of the 2,000,000 gallon water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the

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

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

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

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

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

RW Sauder Inc. Lititz Division, Warwick Township, Lancaster County. Reliance Environmental, Inc., 130 East Chestnut Avenue, Lancaster, PA 17602, on behalf of RW Sauder, Inc., 570 Furnace Hills Pike, Lititz, PA 17543, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an underground storage tank. The site will be remediated to the Residential Statewide Health Standard, and will remain a commercial facility for packaging and distribution of eggs.

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.

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

24-083Q: Carbone of America Industries Corp. (215 Stackpole Street, St. Marys, PA 15857) for modification of

plan approval 24-083J stack testing requirement in St. Marys City, **Elk County**. This is a Title V facility.

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

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

46-0035E: SmithKline Beecham Corp., d/b/a GlaxoSmithKline, (709 Swedeland Road, King of Prussia, PA 19406) for a 750 Kw Diesel Fired Internal Combustion Engine to be installed in building 40 in King of Prussia, **Montgomery County**. GlaxoSmithKline is a Title V Facility. This generator is subject to New Source Performance Standards. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and 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.

54-399-043: Hexcel Corp. (P. O. Box 179, Pottsville, PA 17901-0179) for operation of a facility that specializes in the aerospace industry in Pottsville, **Schuylkill County**. The primary focus of the plant is to add value to honeycomb materials. The facility receives raw materials from different sources and manufactures aerospace parts according to customer blueprints and specifications. The processes involved include sawing, forming, bonding and curing and NC machining of various types of honeycomb materials. The uses of solvents are used for to clean tool molds for the honeycomb bonding processes. The uses of the types of solvents listed in the application are required per customer specifications. Expected total VOCs emissions will be 5.2 tpy from the facility. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. 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.

54-308-025: SAPA Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) for modification of their existing M8 and M9 Melting Furnaces to include oxygen injection and a charging machine and to install a new cyclone/baghouse with dry sorbent injection to control emissions in Cressona Borough, **Schuylkill County**. The current production limit for the furnaces will remain unchanged along with the fuel usage limitations. The furnaces are subject to 40 CFR Part 60, Subpart RRR, New Source Performance Standards for Stationary Sources—Secondary Aluminum Production, and shall comply with all applicable requirements of this Subpart. SAPA Extrusion is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 54-00022. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the furnaces operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

06-05064B: Sunoco Partners Market & Terminal, LP (525 Fritztown Road, Sinking Spring, PA 19608-1509) for installation of a vapor recovery unit at their Montello Terminal in Spring Township, **Berks County**. The unit is subject to 40 CFR 63, Subpart R, "National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)." Emissions as a result of the project are not expected to increase. The facility currently has a Title V operating permit No. 06-05064. The plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

07-05041A: Diversapack, LLC (13985 South Eagle Valley Road, Tyrone, PA 16686) for installation of a flexographic printing operation and regenerative thermal oxidizer in Snyder Township, **Blair County**. VOC emissions from the facility will be limited to 50 tpy. The plan approval will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

28-03056A: Texas Eastern Transmission, Inc.—Chambersburg Compressor Station (3351 Molly Pitcher Highway, Chambersburg, PA 17201-9204) for construction of an engine generator at a natural gas compressor station in Chambersburg Borough, **Franklin County**. The fugitive VOC emissions worst case potential is approximately 48 tpy including about 30 tons intermittently from pipes, valves and flanges during scheduled or unscheduled repair or maintenance. The source will be incorporated into a facility wide natural minor operating permit No. 28-03056 upon installation. The source is controlled with good engineering practice, and monitoring, recordkeeping and reporting.

44-05001C: Standard Steel, LLC (500 North Walnut Street, Burnham, PA 17009) for construction of a 260,000 baghouse and retrofit modification to an existing 360,000 cfm baghouse in Phase 1 and extension at the baghouses ducts to EAFs roof monitors as appropriate in Phase 2, located at Burnham Borough, **Mifflin County**. This plan approval is to meet the new MACT Subpart YYYYY standard for PM. The plan approval will contain emission restriction, monitoring and recordkeeping provisions. This plan approval will be incorporated into the facility's Title V operating permit no. 44-05001 by administrative amendment in accordance with 25 Pa. Code § 127.450, and the permit shall include additional work practice standards, and restrictions, monitoring, recordkeeping and reporting designed to keep the facility operating within all air quality requirements.

67-03078B: Snyder's of Hanover, Inc. (P. O. Box 917, Hanover, PA 17331-6917) for modification to a baked chip line into pretzel production line at Hanover Borough in Penn Township, **York County**. The primary emissions from the source will be VOCs. The plan approval will contain emissions restriction, monitoring and recordkeeping provisions. This plan approval will be incorporated into the facility's natural minor operating permit No. 67-03078 by administrative amendment in accordance with 25 Pa. Code § 127.450, and the permit shall include additional work practice standards designed to keep the facility operating within all air quality requirements.

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

24-165A: Elkhorn Gas Processing, LLC (15470 Route 6, Warren, PA 16365) for construction of a gas processing plant consisting of three compressor engines, a dehydrator and a storage tank in Jones Township, **Elk County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Heat Medium Heater (Source 101):
- Subject to 25 Pa. Code §§ 123.11 and 123.22.
- The heater shall burn natural gas fuel only.
- The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed. Recordkeeping shall commence at the time of the start-up of each source.

• The permittee shall maintain a record of the following from the operational inspections. Recordkeeping shall commence at the time of the start-up of each source.

- Operational check performed.
- The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
- The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

Refrigeration Compressor (Source 102):

- Subject to 25 Pa. Code § 123.21.
- The internal combustion engine shall be designed and operated so emissions do not exceed the following:
 - NOx at rated brake horsepower and operating at rated speed—2.0 gms/bhp-hr for gas fired units;
 - VOC at rated brake horsepower and operating at rated speed—1.9 gms/bhp-hr;
 - CO at rated brake horsepower and operating at rated speed—1.4 gms/bhp-hr; and,
 - At operating conditions less than rated capacity, internal combustion engines shall, on a pounds per hour basis, emit no more than they emit at rated brake horsepower and rated speed.
- Visible emissions in excess of the following limitations:
 - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
 - Equal to or greater than 30% at any time.
 - The emission limitations shall apply at all times except during periods of start-up and shut-down, provided, however, that the duration of start-up and shut-down do not exceed one hour per occurrence.

- This source is subject to 25 Pa Code §§ 123.1 and 123.31 for fugitive and odor emissions, respectively.
- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 gr/dscf.
- The stack test shall be conducted for NO_x, CO and VOC (NMOC). In lieu of performing a stack test, the facility may show compliance with the emission limitations by the use of a Department of Environmental Protection (Department) approved portable analyzer. Testing shall be performed initially and annually thereafter.
- The permittee shall maintain comprehensive accurate records which, at a minimum, shall include the following. Recordkeeping shall commence at the time of the start-up of each source.
 - The number of hours that each engine operated on a 12-month rolling total.
 - The amount of fuel used in each engine on a 12-month rolling total.
 - When a new internal combustion engine is installed and is required to conduct a performance test, the permittee shall maintain records or report the following. Recordkeeping shall commence at the time of the start-up of each source.
 - Records including a description of testing methods, results, all engine operating data collected during the tests, and a copy of the calculations performed to determine compliance with emission standards.
 - Copies of the report that demonstrates that the engines were operating at rated brake horsepower and rated speed conditions during performance testing.
 - These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. The Department reserves the right to expand the list contained in this condition as it may reasonably prescribe pursuant to the provisions of section 4 of the Pennsylvania Air Pollution Control Act (35 P. S. §§ 4001—4015), and as it may deem necessary to determine compliance with any condition contained herein.
 - The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed. Recordkeeping shall commence at the time of the start-up of each source.
 - The permittee shall maintain a record of the following from the operational inspections. Recordkeeping shall commence at the time of the start-up of each source.
 - Engine Load.
 - Engine Speed.
 - The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
 - The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
 - The source is subject to 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
 - Dehydrator (Source 103):
 - VOC emissions from the glycol vent shall not exceed 1.0 tpy (based upon a 12-month rolling total).
 - The permittee shall maintain the following records (Recordkeeping shall commence at the time of the start-up of each source.):
 - Monthly records of VOC emissions from this source using GRI's "Gly Calc" procedure or by using an alternative method approved by the Department.
 - Daily records shall be maintained of the inlet gas throughput, the glycol circulation rate, and inlet gas temperature.
 - The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed. Recordkeeping shall commence at the time of the start-up of each source.
 - The permittee shall maintain a record of the following from the operational inspections. Recordkeeping shall commence at the time of the start-up of each source.
 - Operational check performed.
 - The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
 - The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Storage tank (Source 104):
 - The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed. Recordkeeping shall commence at the time of the start-up of each source.
 - The permittee shall maintain a record of the following from the operational inspections. Recordkeeping shall commence at the time of the start-up of each source.
 - Operational check performed.
 - The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
 - The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
 - Subject to 25 Pa. Code § 129.57.
 - Inlet Compressor (Sources 105 and 106):
 - Subject to 25 Pa. Code § 123.21.
 - The internal combustion engine shall be designed and operated so emissions do not exceed the following:
 - NO_x at rated brake horsepower and operating at rated speed—1.5 gms/bhp-hr for gas fired units;
 - VOC at rated brake horsepower and operating at rated speed—0.44 gms/bhp-hr;
 - CO at rated brake horsepower and operating at rated speed—2.11 gms/bhp-hr; and,

- At operating conditions less than rated capacity, internal combustion engines shall, on a pounds per hour basis, emit no more than they emit at rated brake horsepower and rated speed.

- Visible emissions in excess of the following limitations:

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

- Equal to or greater than 30% at any time.

- The emission limitations shall apply at all times except during periods of start-up and shut-down, provided, however, that the duration of start-up and shut-down do not exceed one hour per occurrence.

- This source is subject to 25 Pa. Code §§ 123.1 and 123.31 for fugitive and odor emissions, respectively.

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

- The stack test shall be conducted for NO_x, CO and VOC (NMOC). In lieu of performing a stack test, the facility may show compliance with the emission limitations by the use of a Department approved portable analyzer. Testing shall be performed initially and annually thereafter.

- The permittee shall maintain comprehensive accurate records which, at a minimum, shall include the following. Recordkeeping shall commence at the time of the start-up of each source.

- The number of hours that each engine operated on a 12-month rolling total.

- The amount of fuel used in each engine on a 12-month rolling total.

- When a new internal combustion engine is installed and is required to conduct a performance test, the permittee shall maintain records or report the following. Recordkeeping shall commence at the time of the start-up of each source.

- Records including a description of testing methods, results, all engine operating data collected during the tests, and a copy of the calculations performed to determine compliance with emission standards.

- Copies of the report that demonstrates that the engines were operating at rated brake horsepower and rated speed conditions during performance testing.

- These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. The Department reserves the right to expand the list contained in this condition as it may reasonably prescribe pursuant to the provisions of section 4 of the Pennsylvania Air Pollution Control Act (35 P. S. §§ 4001—4015), and as it may deem necessary to determine compliance with any condition contained herein.

- The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed. Recordkeeping shall commence at the time of the start-up of each source.

- The permittee shall maintain a record of the following from the operational inspections. Recordkeeping shall commence at the time of the start-up of each source.

- Engine Load.

- Engine Speed.

- The permittee shall perform a daily operational inspection of the source for any day the source is in operation.

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

- The source is subject to 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. Equipment Leaks (Source 107):

- Subject to 40 CFR 60 Subpart VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

- Subject to 40 CFR 60 Subpart KKK—Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

OPERATING PERMITS

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

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

23-00001: Sunoco Inc.—R & M Marcus Hook Refinery (100 Green Streets, Marcus Hook, PA 19061) for operation of a Petrochemical refinery in Marcus Hook Borough, **Delaware County**. The Administrative Amendment is to incorporate plan approval 23-0001Z into this Title V operating permit. This resulted in the creation of four new boilers, numbered 031, 032—034 that are owned by Sunoco, Inc, but operated by FPL Energy. This amendment also addresses a change in the chemical loading limitations of previously permitted Source Number 609 to allow operational flexibility for benzene and cyclohexane loading. As a result of this modification change, aggregate VOC emissions from benzene and cyclohexane will be decreased. As a result of potential emissions of each criteria pollutant, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The amendment contains all applicable requirements including monitoring, recordkeeping and reporting for the new sources.

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

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

67-03096: Souriau USA, Inc. (25 Grumbacher Road, York, PA 17406) for operation of their electronic connector manufacturing facility in Manchester Township, **York County**. The facility is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility

operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

10-00287: Mintage International, Inc. (395 Grove City Road, Slippery Rock, PA 16057), for a Synthetic Minor Permit to operate nonclay refractories in Slippery Rock Township, **Butler County**. Emissions sources associated with this facility include line mixers 1, 2 and 4, batching mixer, nine dryers, three kilns, five line mixers and mold shop. The facility has taken a restriction on VOC emission from the facility. The VOC emission shall not exceed 49 tpy. Thus, the facility is now synthetic minor.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. 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.

13-316-001: Keystone Pellet, Inc. (5405 Hoffman Drive S, Schnecksville, PA 18078) for construction and operation of a wood palletizing facility for their facility to be in Lower Towamensing Township, **Carbon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Keystone Pellet, Inc. (5405 Hoffman Drive S, Schnecksville, PA 18078) for their facility to be in Lower Towamensing Township, Carbon County. This Plan Approval No. 13-316-001 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 13-316-001 is for construction and operation of a wood palletizing facility. PM emissions will not exceed 0.02 gr/dscf. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use cyclones and baghouses. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No. 13-316-001.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

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 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 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 factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and 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, 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.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Aleppo Township, **Greene County** to add surface acreage to install the 15 I Bleeder Airshaft and Four Boreholes. Surface Acres Proposed 13.7. No additional discharges. Application received June 1, 2009.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Aleppo Township, **Greene County** to add underground permit and subsidence control plan area acres for development mining. Underground Acres Proposed 721.7, Subsidence Control Plan Acres Proposed 721.7. No additional discharges. Application received May 12, 2009.

32031301 and NPDES Permit No. PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to add acres to the subsidence control plan area boundary. Subsidence Control Plan Acres Proposed 316.6. No additional discharges. Application received May 29, 2009.

63921301 and NPDES Permit No. PA0214434, UMC Energy, Inc., (279 Shannon Road, Monongahela,

PA 15063), to renew the permit and related NPDES permit and to revise the permit for the High Quality Mine in Fallowfield Township, **Washington County** to delete 281.4 acres from the subsidence control plan permit area and revise the mining plan from longwall mining to room and pillar mining. No additional discharges. Application received December 9, 2008.

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

17793123 and NPDES No. PA0089603. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801),

permit renewal for the continued operation and restoration of a bituminous surface mine in Union Township, **Clearfield County**, affecting 102.8 acres. Receiving stream: LaBorde Branch, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 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.

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

41990301 and NPDES Permit No. PA0238287. Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823), renewal of NPDES permit, in Armstrong Township, **Lycoming County**. Receiving streams: Hagermans Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received May 19, 2009.

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

67870301C8 and NPDES Permit No. PA0010235. York Building Products, Inc., (P. O. Box 1708, York, PA 17405), correction to an existing quarry operation in West Manchester Township and the City of York, **York County** to decrease the permitted acres from 276.4 acres to 262.62 acres and for a stream variance, receiving stream: Willis Run, classified for the following use: WWF. Application received June 16, 2009.

6374SM1C6 and NPDES Permit No. PA0224383. Hanson Aggregates Pennsylvania, Inc., (7660 Imperial Way, Suite A103, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hemlock and Madison Townships, **Columbia County**, receiving stream: UNT to Fishing Creek, classified for the following use: CWF. Application received June 25, 2009.

64030301C4 and NPDES Permit No. PA0224332. Middle Creek Quarry, Inc., (2893A Owega Turnpike, Hawley, PA 18428), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Palmyra Township, **Wayne County**, receiving stream: Middle Creek, classified for the following uses: HQ-CWF and MF. Application received June 29, 2009.

4873SM6T4 and NPDES Permit No. PA0009695. Kinsley Construction, Inc., (2700 Water Street, York, PA 17405), transfer of an existing quarry operation from O—N Minerals (PenRoc) Co., LP in West Manchester Township, **York County** affecting 77.0 acre, receiving stream: Codorus Creek. Application received June 30, 2009.

58020851. Harold N. Lewis, (R.R. 6, Box 6178, Montrose, PA 18801), Stages I and II bond release from a quarry operation in Dimock Township, **Susquehanna County** affecting 1.0 acre on property owned by Harold N and Jennifer N. Lewis. Application received July 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 number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are

available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-406. Ryan Reeser, 581 Summit Road, Bath, PA 18014, in Moore Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a driveway crossing of Monocacy Creek (HQ-CWF) and a de minimis area equal to 0.05 acre of adjacent wetlands. The crossing consists of the construction of two 5 foot by 4 foot concrete box culverts, the first in the main channel and the second in the secondary channel located approximately 100 feet to the left of the main channel. The project is located on the west side of South Summit Road, approximately 0.2 mile from the intersection with SR 0946 (Kunkletown, PA Quadrangle Latitude: 40° 46' 45" N; Longitude: 75° 23' 50" W).

E48-405. Silver Creek Country Club, P. O. Box J, 700 Linden Street, Hellertown, PA 18055, in Lower Saucon and Hellertown Townships, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project along a 4,500-foot reach of Silver Creek (CWF) with work consisting of, laying back the streambanks and excavation within the overbank areas along approximately 3,000 feet of the channel. The project is within the Silver Creek Country Club located approximately 2.56 miles from the intersection of SR 0412 and SR 0212 (Hellertown, PA Quadrangle Latitude: 40° 34' 43" N; Longitude: 75° 19' 22" W).

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

E01-285. Knouse Foods Cooperative, Inc., 800 Peach Glen-Idaville Road, Peach Glen, PA 17375, Tyrone Township, **Adams County**, United States Army Corps of Engineers, Baltimore District. Watershed 7F

The applicant proposes to install and maintain: (1) a 13,750-square-foot constructed wetland treatment system in the floodway of a UNT to Bermudian Creek (WWF); (2) a concrete weir box structure to divert flow into the constructed wetland in a UNT to Bermudian Creek (WWF); (3) a 326-square-foot rip rap apron for an outfall structure between wetland cell No. 1 and wetland cell No. 2 in the floodway of a UNT to Bermudian Creek (WWF); (4) a 52-square-foot rip rap apron for an outfall structure for wetland cell No. 2 in a UNT to Bermudian Creek; and

(5) 66 feet of stream bank stabilization on the stream bank of a UNT to Bermudian Creek (WWF) (York, PA Quadrangle N: 3.0 inches; W: 15 inches, Latitude: 40° 01' 08"; Longitude: 77° 13' 50"). The project involves the removal of soil in the floodway to construct two wetlands and associated structures to treat effluent containing elevated levels of dissolved iron, and to provide stream bank stabilization along the project site.

E50-245. Vincent G. Dick, Jr., 610 Pisgah State Road, Shermans Dale, PA 17090, Carroll Township, **Perry County**, United States Army Corps of Engineers, Baltimore District

To construct and maintain a 6.75-foot by 4.92-foot metal arch pipe culvert in a UNT to Sherman Creek (WWF) for the purpose of constructing a driveway for a single-family dwelling located at a point just east of the intersection of Pisgah State and Barrick Hill Roads (Shermans Dale, PA Quadrangle N: 10.75 inches; W: 8.75 inches, Latitude: 40° 18' 33"; Longitude: 77° 11' 16") in Carroll Township, Perry County.

E36-852. Caernarvon Township, Jenny Roy, 2147 Main Street, Narvon, PA 17555, Caernarvon Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To restore and relocate 500.0 feet of Conestoga Creek (WWF), removing 2,270 cubic yards of material in the floodplain (Morgantown, PA Quadrangle N: 1.0 inch; W: 14.3 inches, Latitude: 40° 07' 53"; Longitude: 75° 58' 40"). To construct and maintain an 8-foot wide single span pedestrian bridge with a normal span of 65 feet and an underclearance of 6.5 feet (Morgantown, PA Quadrangle N: 0.9-inch; W: 14.3-inches, Latitude: 40° 07' 49"; Longitude: 75° 58' 38"), and a 12-inch diameter sewer line (Morgantown, PA Quadrangle N: 0.8-inch; W: 14.3-inches, Latitude: 40° 07' 47"; Longitude: 75° 58' 37") both in the Conestoga Creek (WWF). Also to restore and relocate 600.0 feet of a UNT to the Conestoga Creek (WWF) by removing 1,910 cubic yards of material from the floodplain (Morgantown, PA Quadrangle N: 0.7-inch; W: 14.3-inches, Latitude: 40° 07' 42"; Longitude: 75° 58' 37"). To construct and maintain a 12-inch diameter sanitary sewer line crossing in a UNT to the Conestoga Creek (WWF) (Morgantown, PA Quadrangle N: 0.8-inch; W: 14.3-inches, Latitude: 40° 07' 46"; Longitude: 75° 58' 37"). All proposed for the purpose of restoring the historic Poole Forge area in Caernarvon Township, Lancaster County.

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

E14-524. Tobias Z. Hostetler, 437 Bower Hollow Road, Aaronburg, PA 16820. New House Driveway, in Haines Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Millheim, PA Quadrangle Latitude: 40° 53' 53.22"; Longitude: 77° 25' 17.03").

To construct and maintain a 5-foot diameter, 20-foot long culvert, set 1-foot into the streambed with the associated stone headwalls in a UNT to Pine Creek for the purpose of making a single residence driveway, located 2,400 feet down Bower Hollow Road from SR 45. The project proposes to permanently impact 25 linear feet of the unnamed tributary to Pine Creek, which is an Exceptional Quality waterway.

E41-597. Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA, 17754. SR 2064, Section 004 "Arch St" Bridge Replace-

ment, in City of Williamsport and Borough of Duboistown, **Lycoming County**, United States Army Corps of Engineers, Baltimore District (Williamsport, PA Quadrangle N: 41° 13' 33"; W: 77° 02' 38").

The Department of Transportation, Engineering District 3-0 proposes to completely replace the SR 2064 bridge and replace the deck on the SR 3006 bridge. SR 2064 "Arch St" is currently a seven span, open grate, steel camelback truss bridge. It will be replaced with a twelve span pre-stressed concrete tee bridge. The existing bridge has a clear roadway width of 19 ft and a total out-to-out width of 30 ft, including a 5 ft pedestrian sidewalk. The proposed structure will have a 24 ft clear roadway width and a total out-to-out width of 45.5 ft including a 5 ft pedestrian sidewalk. Hydraulics submitted with this application show a very slight decrease in the 100 year water surface elevations. The project will utilize a temporary causeway system to construct the bridge and convey the stream during construction. The existing bridge will remain in place to convey traffic during construction. The proposed bridge will be located approximately 75 ft upstream of the existing structure. The existing utilities will be relocated and placed in conduits between the proposed bridge girders. The project located on SR 3006 "Brook St" over Mosquito Creek will include a bridge deck replacement and will not result in any impact to the watercourse. The West Branch of the Susquehanna River is classified as a WWF by Title 25, Chapter 93 Water Quality Standards. The project does not propose to impact any jurisdictional wetlands.

E59-486. NFG Midstream Covington, LLC, P. O. Box 2081, Erie, PA 16512. Water Obstruction and Encroachment Joint Application, Covington Gathering Pipeline, in Charleston, Covington and Richmond Townships, **Tioga County**, United States Army Corps of Engineers, Baltimore District (Crooked Creek, PA Quadrangle N: 41° 47' 17.40"; W: 77° 7' 50.79").

To construct, operate and maintain 15.25 miles of 12" natural gas pipeline within the Tioga River Watershed (WWF). Construction of the pipeline will require 16 stream and seven wetland crossings. The project is centered along SR 0006 approximately 3.85 miles east of the village of Whitneyville, Tioga County.

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

0279734-A1. Gulf Materials, LLC, 1 8th Street, Braddock, PA 15104 To construct an addition to existing barge docking facility in Braddock Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Braddock, PA Quadrangle N: 41.15 inches; W: 16.85 inches, Latitude: 40° 23' 52"; Longitude: 79° 52' 12"). The applicant proposes to amend existing Permit No. 0279734 to construct an addition to the existing barge docking facility. The addition will consist of 26 feet wide and 400 feet long sunken barges into the Monongahela River (WWF) along the right bank of said river for the purpose of expanding the existing loading/unloading barge facility and to dredge beyond the dock for a distance of 80 feet by 400 feet to provide/maintain access to the dock. The project is located at River Mile 10.4, approximately 4,000 feet downstream from Lock No. 2.

E32-491. Department of Transportation, District 10-0, 2550 Oakdale Avenue, P. O. Box 429, Indiana, PA 15701. To remove two single span bridges in Clymer Borough, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District. The applicant proposes to:

1. Remove the existing SR 403 two lane, 48 ft wide, single span bridge having a total length of 115 ft, and having an underclearance of 6.4 ft; construct and maintain on the same alignment a two lane 45.3 ft wide, single span bridge having a total length of 115 ft with an underclearance of 6.1 ft; and install a downstream and adjacent, construct and remove temporary bridge and causeways, and construct and maintain associated stormwater outfalls over and in Two Lick Creek (TSF) with a drainage area of 41.4 square miles. This bridge is located in the center of Clymer Borough (Clymer, PA Quadrangle N: 8.1 inches; W: 1.8 inches; Latitude: 40° 40' 9"; Longitude: 79° 0' 48").

2. Remove the existing SR 403 two lane, 45.3 ft wide, single span bridge having a total length of 38 ft, and having an underclearance of 6.6 ft; and construct and maintain on the same alignment a two lane 51.4 ft wide, single span bridge having a total length of 51.4 ft with an underclearance of 6.7 ft; construct and remove temporary causeways; construct and maintain 90 ft of stream mitigation; and construct and maintain associated stormwater outfalls over and in Dixon Run (CWF) with a drainage area of 10.7 square miles. This bridge is located in western portion of Clymer Borough (Clymer, PA Quadrangle N: 8.2 inches; W: 2.2 inches, Latitude: 40° 40' 11"; Longitude: 79° 0' 53").

E32-492. Turm Oil Incorporated, 110 Dodds Road, Suite 203, Butler, PA 16002. To construct an arch culvert in West Wheatfield Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (New Florence, PA Quadrangle N: 9.8 inches; W: 12.8 inches, Latitude: 40° 25' 46"; Longitude: 79° 5' 30"). The applicant proposes to construct and maintain a temporary bridge and a 19' long permanent 42" arched culvert crossing on the East Branch of Richards Run (CWF).

E65-933. Department of Transportation, District 12-0, 825 North Gallatin Avenue Ext., P. O. Box 459, Uniontown, PA 15401-0459. To construct and maintain wetland mitigations in South Huntingdon Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Smithton, PA Quadrangle North 7.3 inches; West 17.4 inches, Latitude: 40° 9' 52"; Longitude: 79° 45' 6"; to North 7.8 inches; West 15.0 inches; Latitude: 40° 9' 58"; Longitude: 79° 44' 11"),

The applicant proposes to construct and maintain:

1. a 118 ft long extension of a 259 ft long , 12 ft span arch culvert under the to be widened SR 70 and new interchange access ramp over Dutch Hollow (WWF);

2. a 152 ft long 91 inch by 58 inch elliptical RCP replacement and extension of an existing 93 ft long 75 inch by 57 inch elliptical CMP under the to be widened SR 70 in an UNT to Youghiogheny River (WWF);

3. replacements and extensions of seven culverts in Dutch Hollow (WWF) and Youghiogheny River (WWF) UNTs with drainage areas less than 100 acres;

4. Road construction associated temporary crossings and stormwater outfalls;

5. In addition a total of 0.77 acre of permanent fill and maintenance of PEM wetlands;

Wetland mitigation is provided in the at the Jacobs Creek wetland mitigation bank, Fayette County. This project is associated with SR 70 and Smithton interchange improvements starting approximately 0.2 mile east of the Youghiogheny River and extending east approximately 1.0 mile and is located in South Huntingdon Township.

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

E10-451, Mars Holdings, Inc., P. O. Box 928, 500 Wittenberg Way, Mars, PA 16046-2607, Alzheimers Assisted Living Center Culvert in Adams Township and Mars Borough, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Mars, PA Quadrangle N: 40° 41' 24.9"; W: 80° 0' 48.9").

The applicant proposes to construct and maintain a 47-foot long, 20-foot wide by 6-foot high Con Span arch culvert road crossing in a UNT Breakneck Creek serving as an entrance to a proposed specialty medical care and residential center approximately 600 feet NE of the intersection of SR 228 and Pittsburgh Road. The UNT Breakneck Creek is a perennial stream classified as a WWF.

ENVIRONMENTAL ASSESSMENTS

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

EA21-004: PPL Electric Utilities Corporation, 4810 Lycoming Mall Drive, Montoursville, PA 17754-8301, Silver Spring Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To construct a 760-foot long temporary access road through Palustrine emergent wetlands adjacent to the Conodoguinet Creek (WWF), temporarily impacting 0.19 acres of wetland, for the purpose of removing three existing electric poles in Silver Spring Township, Cumberland County (Wertzville, PA Quadrangle; N 1.5 inches; W 8.9 inches; Latitude: 40° 15' 28"; Longitude: 77° 03' 51").

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

D11-001EA. Spangler Municipal Authority, 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 Big Brown Dam across Browns Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 850 feet of stream channel. The dam is located approximately 3,900 feet northeast of the intersection of SR 553 and SR 271 (Colver, PA Quadrangle Latitude: 40° 37' 03"; Longitude: 78° 46' 54").

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

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

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-09-008					
09009	MPW Industrial Water Services, Inc. 420 Stewart Road Wilkes-Barre, PA 18706-1457 Attn: Vishal Jain	Luzerne	Hanover Township	3 ASTs storing Hazardous Substances	40,674 gallons total

ACTIONS

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

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

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

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

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

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

<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>
PA0035726	Camp Ramah The Pavilion, Suite 734 261 Old York Road Jenkintown, PA 19046	Wayne County Buckingham Township	UNT to Equinunk Creek 1A	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>
PA0045802 Sewage	Franklin and Janet Taddeo 600 Pineview Drive Elizabeth, PA 15037-9412	Westmoreland County Hempfield Township	UNT of Sewickley Creek	Y
PA0093254 Sewage	Sugar Creek Rest, LP 120 Lakeside Drive Worthington, PA 16262	Armstrong County Sugarcreek Township	UNT of Patterson Run	Y
PA0091588 Sewage	Yough School District 915 Lowber Road Herminie, PA 15637	Westmoreland County South Huntingdon Township	UNT of Sewickley Creek	Y
PA0098973 Sewage	Conemaugh Township Supervisors 1120 Tire Hill Road Johnstown, PA 15905-7707	Somerset County Paint Township	Stoney Creek	Y
PA0034614 Sewage	Mountain Pines RV Resort, LLC 509 Queensbury Avenue Queensbury, NY 12804	Fayette County Saltlick Township	Indian Creek	Y
PA0043869 Sewage	North Hempfield Volunteer Fire Company 1284 Business Route 66 Greensburg, PA 15601	Westmoreland County Hempfield Township	UNT of Brush Creek	Y
PA0110302 Sewage	North American Hoganas, Inc. 111 Hoganas Way Hollsopple, PA 15935	Somerset County Quemahoning Township	Quemahoning Creek	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0090689 Sewage	Maple Creek Mining, Inc. 1 Industrial Park Drive Wheeling, WV 26003	Washington County Fallowfield Township	Sawmill Creek	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0100790	Rose M. DiLoreto 6059 Grubb Road Erie, PA 16506-4608	Millcreek Township Erie County	UNT to Thomas Run 16-D	Y

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

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

NPDES Permit No. PA0021172, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This facility is located in Doylestown Borough, **Bucks County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge treated sewage from Harvey Avenue STP.

The following notice reflects changes to the notice published in the May 9, 2009, *Pennsylvania Bulletin*:

Harvey Avenue STP participated with a group that submitted a copper Water Effects Ratio (WER) study to the Department of Environmental Protection (Department). Site specific copper WERs for the group were public noticed in the *Pennsylvania Bulletin* on November 20, 1999. The Environmental Protection Agency (EPA) approved a dissolved Cu WER of 5.7 for Harvey Avenue STP. Subsequently, the EPA approved an additional site specific copper recalculation which was public noticed in the *Pennsylvania Bulletin* on December 2, 2000. For a hardness of 186 mg/l, the site specific copper criteria continuous concentration (CCC) is 148.83 ug/l, and the criteria maximum concentration (CMC) is 235.84 ug/l. The site specific copper criteria, including the WER and recalculated criteria equations used are:

$$\text{Cu CCC (dissolved)} = 5.7 * e^{((0.8545 * \ln[\text{H}] - 1.203)}$$

$$\text{Cu CMC (dissolved)} = 5.7 * e^{((0.9422 * \ln[\text{H}] - 1.201)}$$

Also, dissolved oxygen limit is changed from 6 mg/l minimum to 5 mg/l minimum.

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

NPDES Permit No. PA0043982, Sewage, **Utilities, Inc. of Pennsylvania**, 3311 Village Drive North, Upper Marlboro, MD 20772. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Broad Run STP located at 1201 Sawmill Road, Downingtown, PA to an UNT to East Branch Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0052663, Sewage, **Knight's Bridge Corporation**, 112 Chelsey Drive, Suite 200 Media, PA 19063-1762. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Knight's Bridge STP into Harvey Run in Watershed 3H.

NPDES Permit No. PA0043974, Sewage, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460-2656. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 9.2 mgd of treated sewage into the Schuylkill River in Watershed 3D.

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

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

WQM Permit No. WQG0206901, Sewage, **Perry Township Municipal Authority**, Box 308, Shoemakersville, PA 19555-9415. This proposed facility is located in Shoemakersville Borough/Perry Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of the Cedar Brook Estates Sanitary Sewer Interceptor.

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

WQM Permit No. WQG016171, Sewerage, **George Beck**, 300 Lutz Road, Oakdale, PA 15071. This proposed facility is located in North Fayette Township, **Allegheny County**.

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

WQM Permit No. 5608407, Sewerage, **Borough of Somerset**, 347 West Union Street, Somerset, PA 15501. This proposed facility is located in Somerset Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewer lines.

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

WQM Permit No. WQG018701, Sewerage, **Erik and Sharon Shellgren**, R.D. 1 Box 181, 17116 Otto Road, Pleasantville, PA 16341. This proposed facility is located in Tionesta Township, **Forest County**.

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

WQM Permit No. 2309403, Sewerage, **Ridley Township**, 100 East MacDade Boulevard, Folsom, PA 19033. This proposed facility is located in Ridley Township, **Delaware County**.

Description of Action/Activity: Construction of 1,540 LF 8" gravity sanitary sewer line to serve a number of commercial buildings and transport sewage flows to existing CDPS pump station on Sellers Avenue.

WQM Permit No. WQG02090905, Sewerage, **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Action/Activity: Construction of a pump station installation of gravity sewer and force main.

WQM Permit No. WQG02460906, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924-0128. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of an extension sewer for 21 homes.

WQM Permit No. 1503202, Sewerage, Amendment 2, **Glenville Farms**, 2391 Glenville Road, Cochranville, PA 19330. This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction of a new manure storage facility.

WQM Permit No. 0909406, Sewerage, **Warwick Township Water and Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Construction of replacement sanitary pump station of the Mountain View PS.

WQM Permit No. 0909404, Sewerage, **Northampton, Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Action/Activity: Construction of a gravity sewer system consisting of 8, 10 and 16 inch PVC and DIP pipes, 2 pump stations associated force mains and a low pressure sewer system.

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

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

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

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

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,

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G539-R	Rouse/Chamberlain Homes 500 Exton Commons Exton, PA 19341	Chester	East Nottingham Township	Little Elk Creek HQ-TSF-MF

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>
PAI024508013	Coolbaugh Realty Partners, LP 558 Country Club Drive Suite 200 Downingtown, PA 19335	Monroe	Coolbaugh Township	Indian Run HQ-CWF
PAI024508015	Arcadia North Associates No. 2, LLC Attn: Richard E. Thulin, Managing Member 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Monroe	Coolbaugh Township	Clear Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508011	CB H2O P. O. Box 168 Tannersville, PA 18372	Monroe	Pocono Township	Coolmoor 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>
PAS-10-C050-R	Quest Land Development, LLP 771 Spring Street Wyomissing, PA 19610	Berks	Rockland	UNT Bieber Creek EV 03D- Manatawny-French Creek

Northcentral Region: Watershed 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>
PAI041409003	Charles Welch Centre County Airport Authority 2493 Fox Hill Road State College, PA 16803	Centre	Benner Township	UNT to Buffalo Run and Spring Creek HQ-CWF

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

Westmoreland Conservation District, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056508003	West Penn Power 800 Cabin Hill Drive Greensburg, PA 15601	Westmoreland	Derry Township	Miller Run HQ-CWF and Saxman Run 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>
PAI061009001	Department of Transportation District 10-0 2550 Oakland Avenue Indiana, PA 15701	Butler	Jackson Township and Harmony Borough	Little Connoquenessing Creek CWF

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

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

List of NPDES and/or Other General Permit Types

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

PAG-11 (To Be Announced)
 PAG-12 Concentrated Animal Feeding Operations (CAFOs)
 PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-1**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>
Connoquenessing Township Butler County	1009001	Vavco, LLC 101 Manhood Road Suite 1 Butler, PA 16001	Little Connoquenessing Creek CWF	Northwest Regional Office Oil and Gas Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6860

*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>
Lower Makefield Township Bucks County	PAG200 0907114-1	Floral Vale Ad Hoc Investors, LP 770 township Line Road Yardley, PA 19067	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warwick Township Bucks County	PAG200 0909029	Transcontinental Gas Pike Line Co 2800 Post Oak Boulevard P. O. Box 1395 Houston, TX 77056	UNT Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG200 0908019	Chance Worthington 1108 Wrightstown Road Newtown, PA 18940	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Southampton Township Bucks County	PAG200 0908096	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-67676	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG200 0909053	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Queen Ann Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG200 0909056	Ed Russo, Inc. 1027 Oak Avenue Croyden, PA 19021-6940	Tributary Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG200 0909010	First Savings Bank 219 South Ninth Street P. O. Box 176 Perkasie, PA 18944	UNT Pine Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Southampton Township Bucks County	PAG200 0908088	County Builders 76 Griffiths Miles Circle P. O. Box 2579 Warminster, PA 18974	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Londonderry Township Chester County	PAG200 1504088-R	David DellaPorta 771 East Lancaster Avenue Villanova, PA 19085	UNT Doe Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG200 1509001	Philip Murphy 38 Cynthia Road Coatesville, PA 19320	Beaver Creek TSF-MF	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>
Westtown Township Chester County	PAG200 1509012	Alfred W. Tordone 1551 Ulster Circle West Chester, PA 19380	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG200 1504039-R	Gencraft Homes Group 2205-A Commerce Road Forest hill, MD 21050	West Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG200 1508015	Oriole Avenue Enterprises, LLC 910 South Chapel Street Newark, DE 19713	White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG200 1508075	James Ferver 1433 Wilmington Pike West Chester, PA 19382	East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Pikeland Township Chester County	PAG200 1508051	WYZ Retail Group/Phoenixville, LLC 22720 Fairview Center Drive Suite 204 Fairview Park, OH 44126	UNT French Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG200 2309006	Charlie Ryan and Caren Lambert 50 Park Row West, Suite 113 Providence, RI 02093	Gulph Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG200 4609041	PhyCare Real Estate General II, LLC 11221 Roe Avenue, Suite 210 Leawood, KS 66211	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG200 4607021	Philomeno & Salamone 545 West Germantown Pike Plymouth Meeting, PA 19426	Sawmill Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG200 4609036	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	UNT Schuylkill River, Frongs Run, Matsunk and Gulph Creeks	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglass Township Montgomery County	PAG200 4608163	Hatford Properties 302 North Washington Avenue Suite 204 Morrestown, NJ 08057	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglass Township Montgomery County	PAG200 4608101	John T. Lee, Jr. 64 Bear Foot Lane Barto, PA 19504	Swamp and West Branch Perkiomen Creeks WWF-MF-CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108017	Department of Recreation City of Philadelphia 1515 Arch Street 10th Floor Philadelphia, PA 19102	Municipal Separate Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108034	Ivy Hill Cemetery 1201 Easton Road P. O. Box 27307 Philadelphia, PA 19150	Delaware River CWF	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>
Dunmore Borough Lackawanna County	PAG2003509012	Gerard Ferrario 205 North Main Street Scranton, PA 18504	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
West Hazleton Borough Luzerne County	PAG2004008033	Kalpesh Shah 58 SR 93 West Hazleton, PA 18202-8009	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Lower Saucon Township Northampton County	PAR10U122R	Jim Majewski Toll Brothers, Inc. P. O. Box 4002 Clinton, NJ 08809-4002	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
Old Forge Borough Lackawanna County	PAG2003508011	Old Forge Borough 314 South Main St. Old Forge, PA 18518	St. John's Creek CWF	Lackawanna County Conservation District (570) 281-9495
Throop Borough Lackawanna County	PAG2003509009	David Hawk Gertrude Hawk Chocolates 9 Keystone Ind. Park Dunmore, PA 18512	Tributary to Eddy Creek WWF	Lackawanna County Conservation District (570) 281-9495
Jessup Borough Lackawanna County	PAG2003509006	Lackawanna County 200 Adams Avenue LL Scranton, PA 18503	Sterry Creek CWF	Lackawanna County Conservation District (570) 281-9495
North Manheim Township Schuylkill County	PAG2005409007	Redwood Holdings, LLC 1200 South Church Street Suite 4 Mt. Laurel, NJ 08054	Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
North Manheim Township Schuylkill County	PAG2005409003	Pennsylvania State University Advisory Board 200 University Drive Schuylkill Haven, PA 17972	Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Sugarloaf Township Luzerne County	PAG2004009007	Michael Maylath P. O. Box 103 SR 93 Sybertsville, PA 18251	Little Nescopeck Creek CWF	Luzerne Co. Conservation District (570) 674-7991
Hazle Township Luzerne County	PAG2004004033R	Mericle Humboldt 40, LLC Attn: Robert Mericle East Mtn. Corporate Circle 100 Baltimore Drive Wilkes-Barre, PA 18702	Catawissa Creek CWF Tomhicken Creek CWF	Luzerne County Conservation District (570) 674-7991
Hanover Township Rice Township Luzerne County	PAG2004008038	Verizon Wireless Attn: Dale Brubaker 4642 Jonestown Road Harrisburg, PA 17109	Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Amity Township Berks County	PAG2000608077	Pasquale Mascaro MB Investments 2650 Audubon Road Audubon, PA 19403	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Lower Paxton Township Dauphin County	PAG2002209020	44 Mountain Road Associates 44 Hersha Road Harrisburg, PA 17102	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

NOTICES

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<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>
Windsor Township Berks County	PAG2000609019	Dwight Hermann Department of General Services 18th and Herr Streets Harrisburg, PA 17125	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext 201
Alsace Township Berks County	PAG2000609024	Leon Snyder 230 Poplar Street Fleetwood, PA 19522	Laurel Run CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext 201
Broad Top Township Bedford County	PAG2000509006	Broad Top Township P. O. Box 57 Defiance, PA 16633	Sandy Run WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3
Altoona City Blair County	PAG2000709006	Altoona Water Authority Mark Perry, General Manager 20 Greenwood Road Altoona, PA 16602-7114	Spring Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Carroll Township Dillsburg Borough York County	PAG2006708071	Richard L. Martin R2 Development, LLC 330 Millway Road Ephrata, PA 17522	Fishers Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Mifflintown Borough Fermanagh Township Juniata County	PAG2033403002-R	Juniata Business & Industry P. O. Box 70 Mifflintown, PA 17059	Schweyer Run CWF	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 (717) 436-8953, Ext 5
Clinton County Bald Eagle Township	PAG2001808006	Frank Mills Stadium Heights Subdivision P. O. Box 504 North Bend, PA 17760	Bald Eagle Creek CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Columbia County Scott Township	PAG2001909003	Susan Keefer Competitive Edge Sports Academy 2820 Shaffer Road Bloomsburg, PA 17815	UNT to Susquehanna River CWF Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Cambria County Richland Township	PAG2001109001	Raymond E. DiBattista 960 Beachwood Drive Windber, PA 15963	Little Paint Creek CWF	Cambria County Conservation District (814) 472-2120
Cambria County Richland Township	PAG2001109007(1)	Kevin Smith Lockheed Martin Aeroparts, Inc. 221 Industrial Park Road Johnstown, PA 15904	UNT to Sandy Run CWF	Cambria County Conservation District (814) 472-2120
Allegheny County Pittsburgh	PAR10A510-1-R	Allstate Development 407 West 8th Avenue West Homestead, PA 15120	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645

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Allegheny County South Park Township	PAR10A584-1-R	South Park School District 2005 Eagle Ridge Road Library, PA 15129-9289	Peters Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Deer Township	PAR10A605-R	Richland Holdings 1426 Pittsburgh Road Valencia, PA 16059	Deer Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Baldwin Borough	PAG2000203076-R	Holly Hill Development Corp. 550 Washington Avenue Carnegie, PA 15106	Glass Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County McCandless Township	PAG2000203085-R	Harry B. Montgomery 9747 Babcock Boulevard Pittsburgh, PA 15237 and John B. Montgomery 1500 PPG Place Pittsburgh, PA 15222	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAG2000203092-R	M.R.W. Realty, LLC 11040 Perry Highway Wexford, PA 15090	Pine Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Harmar Township	PAG2000203101-R	Guys Run Properties 795-24 Pine Valley Drive Pittsburgh, PA 15239	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Richland Township	PAG2000203105-R	Field Brook Farms 1700 N. Highland Road Pittsburgh, PA 15241	Deer Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County O'Hara Township	PAG2000203119-R	John Miller P. O. Box 244 Glenshaw, PA 15116	Pine Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Indiana Township	PAG2000203122-R	Ageis Terrene Group 700 Pittsburgh St. Springdale, PA 15144 and Maronda Inc. 200 Park West Drive Pittsburgh, PA 15275	Deer Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000204002-R	Ronald Plisco P. O. Box 545 Monroeville, PA 15146	Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000204020-R	Southersby Development Corporation 245 Summerlawn Drive Sewickley, PA 15142	Lick Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000204049-R	MB2K Development 6 Clairton Boulevard Pittsburgh, PA 15236	Beams Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAG2000204050-R	John Kosky P. O. Box 136 Cuddy, PA 15031	Millers Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Hampton, Richland and Pine Townships.	PAG2000207017-1	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Neville Township	PAG2000207019-1	Pittsburgh Terminals Corporation P. O. Box 2621 Harrisburg, PA 17105	Ohio River WWF	Allegheny County Conservation District (412) 241-7645

<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>
Allegheny County Pine Township	PAG2000207055-1	Learning Child Center LLC 9330 Marshall Road Cranberry Township, PA 16066	Brush Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000207071	BKG Industries Inc. 3055 Santiago Road Imperial, PA 15126	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Ross Township	PAG2000207105-1	North Hills School District 136 Sixth Avenue Pittsburgh, PA 15229	Lowries Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh, Penn Hills and Wilkinsburg Boroughs	PAG2000208010-1	Wal-Mart Real Estate Business Trust 2001 SE 10th Street Bentonville, AZ 72716	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000208021-1	Urban Redevelopment Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Monongahela River WWWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Versailles Township	PAG2000208022	One Hundred Ltd. 60 Port Perry Road North Versailles, PA 15137	Turtle Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAG2000208037	Richland Properties 3751 Gibsonia Road Gibsonia, PA 15044	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Findlay Township	PAG2000208056	Imperial Land Corporation 200 Neville Road Pittsburgh, PA 15225	Potato Garden Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County East Pittsburgh Borough	PAG2000208061	RIDC Southwest Growth Fund 425 Sixth Avenue Pittsburgh, PA 15219 and R&B Contracting & Excavation 407 West 8th Avenue West Homestead, PA 15120	Turtle Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County McCandless Township	PAG2000208073	Adventure/Champion Partners 8401 North Central Expressway Dallas, TX 75225	Pine Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Park Township	PAG2000208077	Alex Parts Contracting P. O. Box 369 Atlasburg, PA 15004	Peters Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000208079	Jim Esposito 82 Foreest Grove Road Coraopolis, PA 15108	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh and Millvale Borough	PAG2000208082	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645

<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>
Allegheny County Township	PAG2000208083	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Abers Creek Piersons Run Humms Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG2000208086	Moon Township 1000 Beaver Grade Road Coraopolis, PA 15108	Flaugherty Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette and Robinson Townships	PAG2000208087	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Montour Run TSF Campbells Run WWF	Allegheny County Conservation (412) 241-7645
Allegheny County Springdale Township	PAG2000208088	The Bnaron Group 3090 Wm. Pitt Way Pittsburgh, PA 15238	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Plum Borough	PAG2000209001	Gordon H. Kidd Jr. 8095 Saltsburg Road Pittsburgh, PA 15239	Abers Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000209002	UPMC Corporate Construction & Real Estate 600 Grant Street Pittsburgh, PA 15219	Turtle Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Mifflin Borough	PAG2000209004	West Mifflin Area School District 3000 Lebanon Church Road West Mifflin, PA 15122	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson and Kennedy Townships	PAG2000209005	PA Dept of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Moon Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Ross Township	PAG2000209007	Minnock Land & Development Company 7202 Old McKnight Road Pittsburgh, PA 15237	Jacks Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG2000209009	Felician Sisters 1500 Woodcrest Avenue Coraopolis, PA 15108	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000209014	Orion Development 4125 Freedom Way Weirton, WV 16062	Turtle Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000209015	Sampson Morris Group 2500 Eldo Road Monroeville, PA 15146	Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000209017	Verizon Wireless 19 Abele Road Bridgeville, PA 15012	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Versailles Township.	PAG2000209018	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Turtle Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County McKeesport	PAG2000209019	Municipal Authority of the City of McKeesport 100 Atlantic Avenue McKeesport, PA 15132	Youghiogheny River and Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Findlay Township	PAG2000209020	Chapman Commerce Center, LLC 100 Leetsdale Ind. Drive Leetsdale, PA 15056	Potato Garden Run WWF	Allegheny County Conservation District (412) 241-7645

<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>
Allegheny County Pittsburgh	PAG2000209022	Frank B. Fuhrer Wolesale Company 3100 East Carson Street Pittsburgh, PA 15203	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000209023	Upper St. Clair School District 1820 McLaughlin Run Road Pittsburgh, PA 15241	McLaughlin Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000209024	Upper St. Clair School District 1820 McLaughlin Run Road Pittsburgh, PA 15241	Chartiers Creek and Brush Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Bethel Park	PAG2000209027	Bethel Park School District 301 Church Road Bethel Park, PA 15102	McLaughlin Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Hampton Township	PAG2000209032	Hampton Township School District 4591 School Drive Allison Park, PA 15101	McCaslin Run TSF	Allegheny County CD (412) 241-7645
Indiana County Conemaugh Township	PAG2003208012	Department of Transportation, District 10-0 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701	Conemaugh CWF	Indiana County CD (724) 463-8547
Somerset County Somerset Township	PAG2005609005	Somerset Alliance Church 708 Stoystown Road Somerset, PA 15501	UNTB to east Branch of Coxes Creek WWF	Somerset County Conservation District (814) 445-4652
Washington County California Borough	PAG2006309015	California University of PA 250 University Avenue California, PA 15419	Monongahela River WWF	Washington County CD (724) 228-6774
McKean County Lafayette Township	PAG2004209002	Bradford Regional Airport 212 Airport Road Lewis Run, Pa 16738	Wetlands and UNT Three Mile Run CWF	McKean County Conservation District (814) 887-4001
City of Hazleton Luzerne County	PAR202245	Hazleton Casting Company P. O. Box 21 Weatherly, PA 18255	Black Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

General Permit Type—PAG-3

<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>
Berks County Bern Township	PAR203511	Heyco Metals, Inc. 1069 Stinson Drive Reading, PA 19605	UNT Schuylkill River WWF 3C	DEP—SCRO Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4800

<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>
Bell Township Jefferson County	PAR808371	Punxsutawney Borough Municipal Airport Authority P. O. Box 365 Punxsutawney, PA 15767	UNT to Graffius Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Tionesta Township Forest County	PAG049523	Erik and Sharon Shellgren R. D.1 Box 181 17116 Otto Road Pleasantville, PA 16341	UNT to Hunter Run 16-F	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Blair Township Blair County	PAG083589	Freedom Township Water and Sewer Authority 131 Municipal Street East Freedom, PA 16637	Freedom Township Water and Sewer Authority WWTP 60 Standish Lane Duncansville, PA 16635	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Liberty Township Bedford County	PAG093527	Burns Septic Service 139 Captain Phillips Memorial Road Saxton, PA 16678	Liberty Township Bedford County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

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. 3480046, Operations Permit, Public Water Supply.

Applicant	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018 Lehigh Township
County	Northampton
Type of Facility	PWS
Consulting Engineer	Philip McLachlan, P. E. Malcolm Pirnie, Inc. 640 Freedom Business Center Suite 310 King of Prussia, PA 19406
Permit to Construct Issued	June 29, 2009

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

Permit No. 1704501—Partial Operation 2, Public Water Supply.

Applicant **Houtzdale Municipal Authority**
 Township Gulich Township
 County **Clearfield**
 Responsible Official John Gallagher, Manager
 Houtzdale Municipal Authority
 561 Kirk Street
 P. O. Box 97
 Houtzdale, PA 16651

Type of Facility Public Water Supply—Partial Operation 2

Consulting Engineer Jeffrey Garrigan, P. E.
 Uni-Tec Consulting Engineers
 2007 Cato Avenue
 State College, PA 16801

Permit Issued Date July 2, 2009

Description of Action Operation of the treatment plant modifications, Henderson booster pump station, Henderson storage tank, distribution system improvements, Moshannon Creek surface water intake, raw water pumping station and raw water transmission line. This operating permit does not approve the gas chlorination facilities at the raw water pump station or Well TH-14.

Permit No. 0809503—Construction, Public Water Supply.

Applicant **Ulster Municipal Authority**
 Township Ulster Township
 County **Bradford**
 Responsible Official Frank Walker,
 President Ulster Municipal
 Authority
 P. O. Box 157
 Ulster, PA 18850

Type of Facility Public Water Supply—Construction

Consulting Engineer Mark Glenn, P. E.
 Gwin Dobson and Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602

Permit Issued Date July 6, 2009

Description of Action Construction of a Pall Aria AP-3 continuous microfiltration plant, including caustic soda and sodium hypochlorite chemical feed systems.

The City of Lock Haven (Public Water Supply), Clinton County: On June 29, 2009, the Department of Environmental Protection approved the Source Water Protection (SWP) program for this community water system. **The City of Lock Haven** personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded by the Department (David W. Garg, (570) 321-6581).

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

Permit No. 8262W-A2, Public Water Supply.

Applicant **Authority of the Borough of Charleroi**
 3 McKean Avenue
 P. O. Box 211
 Charleroi, PA 15022

Borough Centerville

County **Washington**

Type of Facility Denbeau Height pump station

Consulting Engineer Chester Engineers
 One Twilight Hollow Road
 Charleroi, PA 15022

Permit to Construct Issued July 6, 2009

Operations Permit issued to: Indian Creek Valley Water Authority, P. O. Box 486, Indian Head, PA 15446, (PWSID No. 5260011) Saltlick Township, **Fayette County** on June 29, 2009, for the operation of facilities approved under Construction Permit No. 2605505.

Permit No. 4110060T1, Minor Amendment. Public Water Supply.

Applicant **Glendale Valley Municipal Authority**
 1800 Beaver Valley Road
 Flinton, PA 16640

Township White Township

County **Cambria**

Type of Facility Water system

Consulting Engineer

Permit to Operate Issued June 22, 2009

Permit No. 6509503MA, Minor Amendment. Public Water Supply.

Applicant **Highridge Water Authority**
 17 Maple Avenue
 Blairsville, PA 15717

Borough or Township West Wheatfield Township

County **Westmoreland**

Type of Facility Shady Grove tank painting

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

Permit to Operate Issued July 6, 2009

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

Wellhead Protection Program Approval issued to the **General Authority of the City of Franklin**, 430 13th Street, Franklin, PA 16323, PWSID No. 6610020, City of Franklin, **Venango County** on June 29, 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

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

Permit WA 10-1010, Water Allocations. Borough of Zelienople, 111 West New Castle Street, Zelienople, PA 16063, **Zelienople Borough, Butler County**. The permit grants the applicant's right to acquire a maximum of 900,000 gpd of water on a peak month basis from the Beaver Falls Municipal Authority. Permit Issued: July 6, 2009.

WA 10-1008A, Water Allocations. Borough of Zelienople, 111 West New Castle Street, Zelienople, PA 16063, **Zelienople Borough, Butler County**. The permit grants the applicant to continue to utilize the emergency interconnect with Marion Township as per the Emergency Water Service Agreement dated November 8, 2004. Water Allocation Permit WA 10-1008A authorizes the right to purchase 500,000 gpd based on a 30-day average from Marion Township. Permit Issued: July 6, 2009.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of

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

The Department has received the following plans and reports:

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

Oak Tree Industrial Associates, Hatfield Township, **Montgomery County**. Michael Christie, Penn Environmental and Remediation, Inc. 2755 Bergey Road, Hatfield, PA 19440 on behalf of Roger Altemose, Pak Tree Industrial Associates, LP, 2880 Bergey Road, Suite D, Hatfield PA 19440 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Rite Aid, City of Philadelphia, **Philadelphia County**. Scott Treheren, BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, Kenneth Yoder, BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf of Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Background Standard Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standards.

Whitemarsh Township Landfill, Whitemarsh Township, **Montgomery County**. Ed Layton, Blazosky Associates, Inc. 649 North Lewis Road, Suite 215, Royersford, PA 19468 on behalf of Marc Zaid, Joshua Hill, Inc. 920 Matsonford Road, West Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site groundwater contaminated with leaded gasoline and inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Cornell Residence, Northampton Township, **Bucks County**. Thomas Hippensteal, Environsearch Consultants, Inc. P. O. Box 940, Springhouse, PA 19477 on behalf of Joanne Cornell, 247 Mallard Road, Holland, PA 18966 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Exelon Power Southwark Generation Station, City of Philadelphia, **Philadelphia County**. David Kistner, URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034, Dale Davis, Exelon Generation Company, LLC, 3901 North Delaware Avenue, Philadelphia, PA 19137 on behalf of Michael Fluehr, Delaware Avenue Enterprises, 3301 Columbus Boulevard, Philadelphia PA 19148 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Lancaster General Hospital Property, formerly Lancaster General Services Property, West Earl Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Lancaster General Services, 607 North Duke Street, Lancaster, PA 17602, submitted a Final Report

concerning remediation of site soils and groundwater contaminated with heating oil released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

The News Item Property, City of Shamokin, **Northumberland County**. Golder Associates Inc., The National Newark Building, 744 Broad Street, 25th Floor, Newark, NJ 07102 on behalf of Charles Moleski, Thomas Reuters Co., Metro Center, 1 Station Place, Stamford, CT 06902 has submitted a Final Report concerning remediation of site soil contaminated with MTBE. The report is intended to document remediation of the site to meet the Background Standard and Statewide Health.

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.

May Residence, Chester Township, **Delaware County**. Henry Bienkowski, Mulry and Cresswell Environmental, Inc. 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, Joseph Caton, Excel Landscaping, 117 Printz Avenue, Norwood, PA 19074 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 10, 2009.

Fisher Crossing Apartment Complex, City of Philadelphia, **Philadelphia County**. Jeremy Bolyn, Environmental Management Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Carol Richards, Corsa Management, P. O. Box 770, South Orange, NJ 07079 has submitted a Final Report concerning the remediation of site soil contaminated with no. 6 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 9, 2009.

Frankford & Darrah Site, City of Philadelphia, **Philadelphia County**. Bradley S. Wolf, BL Company, Inc. 213 Market Street, 6th Floor, Harrisburg, PA 17101, Robert Lerner Rite Aid Corporation, 30 Hunter Lane, Camp Hill PA 17011 on behalf of Lawrence Gelman, Rite Aid of Pennsylvania, Inc. 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Remedial Investigation Report concerning the remediation of site groundwater with no. 2 fuel oil. The Remedial Investigation Report was approved by the Department of Environmental Protection on June 1, 2009.

US Steel Fairless Works 2.70 KIPC, Falls Township, **Bucks County**. Jeffery Smith, PG, Langan Engineering and Environmental Services, Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103, on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburg, PA 15219 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Remedial Investigation and Final Report were approved by the Department of Environmental Protection on May 28, 2009.

Cooper Residence, City of Philadelphia, **Philadelphia County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, P. O. Box 11, Concordville, PA 19331 on behalf of Robin Cooper, 2456 78th Street, Philadelphia, PA 19331 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 19, 2009.

Lustrik Corporation Site, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Thomas Vezzosi, T&R Realty, Inc., 7701 Beech Lane, Wyndmoor, PA 19038, David Vezzosi, Lustrik Corporation, 4329 Paul Street, Philadelphia, PA 19124 has submitted a Background Standard Final Report and Statewide Health Standard Final Report concerning the remediation of site groundwater and soil contaminated with no. 4 fuel oil. The Final Report demonstrated attainment of the background and Statewide Health Standard and was approved by the Department of Environmental Protection June 25, 2009.

Howard's Auto Repair, Abington Township, **Montgomery County**. Phil Gray, Phoenix GeoEnvironmental LLC, 445 Bethlehem Pike, Suite 108, Comar, PA 18915 on behalf of Dominic Fittipaldi, 2428 Old Welsh Realty, LLC, 3120 Quarry Avenue, Ardsley, PA 19308 has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 24, 2009.

Sirovica Residence, Doylestown Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Cathy Krawczyk, Merchants Insurance Company, 250 Main Street, Buffalo, NY 14202 on behalf of Elias Evans, Mildred Sirovica Estate, 314 Willow Brooks Road, Horsham PA 19044 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 26, 2009.

Cognis Corporation, Lower Gwynedd Township, **Montgomery County**. John Ash, AMO Environmental Decisions, 4327 Point Pleasant Pike, P. O. Box 410, Danboro, PA 18916 on behalf of Edward Vanyo, Cognis Corporation, 300 Brookside Avenue, Amble, PA 19002 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with other organics. The Final Report did not demonstrate attainment of the Statewide Health Standard and Site Specific Standard and was placed on hold by the Department of Environmental Protection on June 17, 2009.

Umbria Village, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with chlorinated solvents and pah's. The Remedial Investigation and Cleanup Plan were disapproved by the Department of Environmental Protection on June 15, 2009.

Knights Road Shopping Center, City of Philadelphia, **Philadelphia County**. Steve Miller, Island Environmental, Inc., 4253 Old National Pike, Suite 4, Middletown, MD 21769, on behalf of Philip Schanzer, Marx Realty and Improvement Company, 708 Third Avenue, Fifteen Floor, New York, NY 10017 has submitted a Remedial Investigation concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation and was approved by the Department of Environmental Protection on June 17, 2009.

West Chester Commons, West Goshen Township, **Chester County**. Michael Christie, Penn Environmental

& Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Timothy Regan, West Chester Commons, LP, 100 Centre Boulevard, Suite E, Marlton, NJ 08053 has submitted a Background and Statewide Final Report concerning the remediation of site soil contaminated with inorganic. The Final reports demonstrated attainment of the Background and Statewide Health Standard Final Report and were approved by the Department of Environmental Protection on June 11, 2009.

Solitario Kennels Property, East Whiteland Township, **Chester County**. Thomas Schultz, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 on behalf of Andrew Lewis, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 12, 2009.

Shoemaker House Temple University Ambler Campus, City of Philadelphia, **Philadelphia County**. Bernard Beegle, Advance GeoServices, 1055 Andrew Drive, Suite A, West Chester, PA 19380, Jim Gould, Lewis Environmental P. O. Box 369, Royersford, PA 19468 on behalf of Lisa Zimmaro, Temple University, 1801 North Broad Street, Conwell Hall, Suite 303, Philadelphia, PA 19122, David McDonough, Temple University, 3307 North Broad Street, Philadelphia, PA 19140, John Hughes, temple University, 580 Meetinghouse Road, Ambler PA 19002 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 11, 2009.

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

Former Durkee Foods Property, 1001 Eighth Avenue, City of Bethlehem, **Lehigh County**. Peter Berkhout, Environmental Waste Management Associates, LLC, 100 Misty Lane, Parsippany, NJ 07054 submitted a Final Report (on behalf of his client, Tiger Den Partners, 171 Route 173, Suite 201, Asbury, NJ 08802), concerning the remediation of TCE, PCE, PHAs and metals found to be present in groundwater as a result of onsite diesel underground storage tanks, historical operations, and potential offsite sources. The report documented attainment of the Site-Specific Standard using pathway elimination and was approved on June 26, 2009.

Degirmenci Residence, 1619 1/2 West Allen Street, Allentown, **Lehigh County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of his client, Levent Degirmenci, 1619 1/2 West Allen Street, Allentown, PA 18102), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a corroded burst seam on an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard and was approved on July 1, 2009.

Pleasant Valley School District Operations Facility, Polk Township, **Monroe County**. Daniel A. Nealon, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Glenmaura Professional Center, Suite No. 105, Moosic, PA 18507 submitted a Final Report (on behalf of his client, Pleasant Valley School District, 1 School Lane,

Route 115, Brodheadsville, PA 18322), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The report documented attainment of the residential Statewide Health Standard for soils and groundwater and was approved on July 1, 2009.

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

US Foodservice, Inc., Allegheny Township, **Blair County**. Delta Consultants, P. O. Box 415, Hershey, PA 17033, on behalf of US Foodservice, Inc., 6685 Crescent Drive, Norcross, GA 30071, submitted a Final Report concerning remediation of site soils contaminated with non-PCB transformer oil from electrical transformers. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 18, 2009.

Reinert Residence, Londonderry Township, **Dauphin County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Lancaster, PA 17602, on behalf of Mr. and Mrs. Paul Reinert, 2248 Schoolhouse Road, Middletown, PA 17057, submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 18, 2009.

Kilhefner Residence, Oliver Township, **Perry County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Joyce Kilhefner, 820 Green Hill Drive, Newport, PA 17074, submitted a Final Report concerning the remediation of site soils contaminated with kerosene. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 24, 2009.

Ames True Temper Camp Hill, Hampden Township, **Cumberland County**. Bradburne, Briller and Johnson, LLC, 1641 Saw Mill Run Boulevard, Pittsburgh, PA 15210-3433, on behalf of Ames True Temper, 465 Railroad Avenue, Camp Hill, PA 17011, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report did not demonstrate attainment of the nonresidential Statewide Health Standard and was disapproved by the Department of Environmental Protection on July 1, 2009.

Rutter's Farm Store No. 53, Newberry Township, **York County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on July 1, 2009.

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

Brookside Village Mobil Home Park, North Centre Township, **Columbia County**, R. J. Walsh Assoc., Inc., P. O. Box 119, Allentown, NJ 08501 on behalf of Marty Mancini, Affordable Residential Communities, 1 Mark Lane, Honey Brook, PA 19344 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil. The Final Report demon-

strated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 2, 2009.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

General Permit Registration No. WMGR109SE002. Mother Earth Energy Inc., 805B West 2nd Street, Chester PA 19013. Registration to operate under General Permit No. WMGR109 for processing used vegetable oil in the production of biofuel/biodiesel. The registration was accepted by the Southeast Regional Office on July 6, 2009.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash. Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR079D002. Allan A. Myers, LP, 638 Lancaster, Avenue, Malvern, PA 19355. The general permit WMGR079D002 is for the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a sub-base for road and driveway construction, processed at Devault Asphalt Plant, located in Charlestown Township, **Chester County**. Central Office approved the determination of applicability on July 7, 2009.

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

AIR QUALITY

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

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

GP1-09-0094: Ametek U.S. Gauge (900 Clymer Avenue, Sellersville, PA 18960) on July 1, 2009, to operate a small gas/No. 2 oil fired combustion units in Sellersville Borough, **Bucks County**.

GP14-15-0091: Della Vecchia, Reilly, Smith & Boyd Funeral Home (410 North Church Street, West Chester, PA 19380) on July 2, 2009, to operate a human crematory in West Chester Borough, **Chester County**.

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

66-310-014GP3: Haines & Kibblehouse (P. O. Box 196, Skippack, PA 19474) on July 1, 2009, to construct and operate a Portable Crushing Operation with watersprays at the P&G Gas Well site in Washington Township, **Wyoming County**.

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

GP5-53-101B: Pennsylvania General Energy Co., LLC (120 Market Street, Warren, PA 16365) on July 1, 2009, for the construction and operation of one 830 brake horsepower natural gas-fired compressor engine equipped with a catalytic converter under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Well 1561 Compressor Station in Wharton Township, **Potter 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.

GP19-11-00524: United Industrial (163 Cramer Pike, Johnstown, PA 15906) on June 29, 2009, to allow the reactivation and operation of a shot blast booth controlled by a baghouse in West Taylor Township, **Cambria County**.

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

GP-24-164A: National Fuel Gas Supply Corp.—Spring Creek Compressor Station (Lamonaville Road, Spring Creek, PA 15860) on June 30, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Spring Creek Township, **Elk 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 1940, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0209: Univar USA, Inc. (4 Steel Road East, Morrisville, PA 19067) on July 2, 2009, for an existing liquid organic chemical transfer and repackaging facility consisting of storage tanks along with bulk loading stations, rail unloading stations and drum loading stations in Morrisville, **Bucks County**. Univar USA would be a Natural Minor facility. Univar will not exceed the VOC and HAP thresholds. The Plan Approval will contain monitoring, recordkeeping and operating restrictions de-

signed to minimize emissions and 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.

08-313-038J: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on June 29, 2009, to install and operate a new Cameron Manufacturing and Design cyclone, model SC-3.6 to control particulate matter emissions from existing Calciner No. 5 (Source ID P219) in the tungsten scrap department (009), at their North Towanda Township, **Bradford County** facility. The proposed cyclone will replace the existing cyclone.

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

10-356A: Linde North America, Inc. (575 Mountain Avenue, Murray Hill, NJ 07974) on July 1, 2009, to construct an air separation unit, which includes an oxygen vaporizer and mole sieve regenerator, both fired by natural gas burners at the their facility, in Butler Township, **Butler County**. This facility is a support facility to AK Steel's Butler Works.

42-174F: Rustick, LLC—McKean County Landfill (19 Ness Lane, Kane, PA 16735), on June 19, 2009, to expand the landfill into a ten-cell area that encompasses approximately 200 acres. In Sergeant township, **McKean County**. This is a Title V facility.

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

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

23-0073: Alan McIlvain Co. (501 Market Street, Marcus Hook, PA 19061) on July 2, 2009, to modify Plan Approval No. 23-0073 in Marcus Hook Borough, **Delaware County**. The differential pressure range for the dust collector in the plan approval is being changed from 1 to 2.5 inches of water to 1.0 to 4.0 inches of water, to correspond with the design capability of the dust collector. Plan Approval No. 23-0073 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and modified in accordance with 25 Pa. Code § 127.13c.

15-0078E: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on June 26, 2009, to operate an emergency electric generator in East Whiteland Township, **Chester County**.

46-0027B: Johnson & Johnson Pharmaceutical Research & Development, LLC (Welsh and McKean Roads, Spring House, PA 19477) on June 26, 2009, to operate three new 350-hp boiler in Lower Gwynedd Township, **Montgomery County**.

23-0106: BPG Real Estate Investors Straw Party 1 LP (3801 West Chester Pike, Newtown Square, PA 19073-2320) on July 7, 2009, to operate two 20.4 mmBtu/hr cleaver brooks boiler in Newtown Township, **Delaware County**.

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.

46-00148: Pottstown Plating Co. (Washington Street and Industrial Highway, Pottstown, PA 19464) on July 2, 2009, to operate a Plating and Polishing Facility, in Pottstown Borough, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on July 2, 2004. Several typographical changes have been made to the permit. The sludge dryer has been removed from the permit. The facility shall continue to remain a natural minor. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00064: Lawn Croft Cemetery (1000 West Ridge Road Linwood, PA 19061) on July 2, 2009, for operation of two human crematory units in Lower Chichester Township, **Delaware County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on July 12, 2004, and expires on July 31, 2009. Several typographical changes have been made to the permit. Recordkeeping requirements were standardized for both crematory units. The facility shall remain a natural minor facility. There have been no changes at the facility since the original Operating Permit was issued and therefore, no new sources are identified in the renewed Operating Permit. 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.

40-00090: Bridon American Corp. (280 New Commerce Boulevard, Wilkes-Barre, PA 18773) on June 30, 2009, to renew the State-only Operating Permit to operate a wire fabrication facility in Ashley Borough, **Luzerne County**.

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) on July 7, 2009, to operate 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.

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

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

46-00046: Accellent, Inc. (200 West 7th Avenue, Collegeville, PA 19426) on June 30, 2009, is a Title V facility in Trappe Borough, **Montgomery County**. Accellent, Inc. has voluntarily installed carbon absorption systems to their Plant 1 Vapor Degreaser and their Plant 2 Vapor Degreaser. The Title V Operating Permit was modified pursuant to section 10.1 of the Air Pollution Control Act (35 P.S. § 4010.1) to address operating permit conditions associated with the addition of carbon adsorption systems to these vapor degreasers. The changes to the permit include addition of the control devices, modification of the permit mapping, testing requirements and replacement requirements of the carbon in the carbon adsorption system, and monitoring and recordkeeping requirements for the vapor degreasers and carbon adsorption systems. Accellent, Inc. is also voluntarily reducing its facilitywide limit on VOCs from 94 tpy to 45 tpy on a 12-month rolling basis.

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

11-00062: Quaker Sales Corp. (P. O. Box 880, Johnstown, PA 15907-0880) on June 26, 2009, to issue a minor permit modification to change the date of required stack testing for their facility in Susquehanna Township, **Cambria County**.

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

10-00305: Harsco Corp. (359 North Pike Road, Sarver, PA 16055-8633) on July 1, 2009, for an Administrative Amendment of the natural minor Permit, to change the name of the responsible official from Wayne J. Hursen to Douglas W. Hutchinson and the name of the company from Recmix of PA, Inc. to Harsco Corporation. The facility is located in Winfield Township, **Butler County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

04-00446: AES Beaver Valley (394 Frankfort Road, Monaca, PA 15061-2268) notified SWRO on or about June 7, 2009, of their intent to implement the use of 20%—50% biodiesel fuel in units 2—5 under the de minimis provisions of 25 Pa. Code § 127.449. No increases in emissions are expected at this electric generation station located in Potter Township, **Beaver County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

09-00057: Ametek US Gauge Division (900 Clymer Avenue, Sellersville, PA 18960) on July 1, 2009, for operation of air contaminant sources at the manufacturing plant in Sellersville Borough, **Bucks County**. This operating permit (Synthetic Minor Operating Permit) was revoked because the facility is no longer in operation. All sources are shut down and have been removed from the

site. The remaining 16.7 mmBtu/hr Cleaver Brooks Boiler No. 4 (Source ID 034) will operate under GP1-09-0094.

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

25-00952: Bush Industries of PA, Inc. (One Mason Drive, Jamestown, NY 14702) on June 30, 2009, revocation of the State-only Operating Permit for the operation of the wood furniture manufacturing facility in Summit Township, **Erie County**. This operating permit was revoked because the sources covered under plan approval were removed from the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center Township, **Greene County** to add surface acres to construct and operate the No. 6 Bleeder Shaft Site. Surface Acres Proposed 30.0. No additional discharges. Application received: October 20, 2008. Permit issued: June 30, 2009.

30081302 and NPDES Permit No. NA, Dana Mining Company of PA, LLC, (308 Dents Run Road, Morgantown, WV 26501), to operate the Prime No. 1 Deep Mine in Perry Township, **Greene County** a new underground mine. Underground Acres Proposed 469.8, subsidence control plan acres proposed 469.8. No additional discharges. Application received: April 16, 2008. Permit issued: July 6, 2009.

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

56030101 and NPDES No. PA0249360. Tomcat Coal, 309 Coalyard Road, Rockwood, PA 15557, permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 33.2 acres. Receiving streams: UNTs to South Glade Creek classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2009. Permit issued: June 25, 2009.

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

26030102 and NPDES Permit No. PA0250457. Steve Patterson Excavating (170 Yasenosky Road, Smithfield, PA 15478). Permit renewal issued for continued operation and reclamation of an existing bituminous surface/auger mining site located in Dunbar Township, **Fayette County**, affecting 75.5 acres. Receiving streams: UNT to Gist Run to Dunbar Creek to Youghiogheny River to Monongahela River. Application received: December 9, 2008. Renewal issued: June 30, 2009.

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

16090101 and NPDES Permit No. PA0258695. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Commencement, operation and restoration of a bituminous strip and coal ash placement operation in Perry Township, **Clarion County** affecting 28.0 acres. Receiving streams: UNT to Clarion River. Application received: January 6, 2009. Permit Issued: June 26, 2009.

24890102 and NPDES Permit No. PA0207331. Energy Resources, Inc. (c/o Ohio American Energy, Inc., 34 Kelley Way, Suite 100, Brilliant, OH 43913) Renewal of an existing bituminous strip, auger and beneficial use of coal ash operation in Horton Township, **Elk County** affecting 316.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs of Mead Run. Application received: April 13, 2009. Permit Issued: July 1, 2009.

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

17030119. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface mine in Bloom Township, **Clearfield County**, affecting 75.5 acres. Permit issued: June 26, 2009.

17880126 and NPDES No. PA0116599. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Revision of an existing bituminous surface mine for an Incidental Boundary Extension in Lawrence Township, **Clearfield County**, affecting 295.4 acres. Receiving streams: UNTs to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 24, 2009. Permit issued: June 26, 2009.

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. Permit issued: June 26, 2009.

Noncoal Coal Permits Actions

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

20870304. Heritage Excavating & Stone (P. O. Box 462, Wampum, PA 16157) Renewal of existing NPDES Permit No. PA0242578 in South Shenango Township, **Lawrence County** affecting 37.8 acres. Receiving streams: UNT to Shenango River. Application received: May 14, 2009. Permit Issued: July 1, 2009.

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

41990301 and NPDES Permit No. PA0238287. Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823), renewal of NPDES permit in Armstrong Township, **Lycoming County**. Receiving streams: Hagermans Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: May 19, 2009. Permit issued: June 29, 2009.

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

58082811. Meshoppen Stone Inc., (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: July 11, 2008. Permit issued: June 29, 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

21094120. J. Roys, Inc., P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for highway/road development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is June 20, 2010. Permit issued: June 23, 2009.

21094122. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in South Newton Township, **Cumberland County**. Blasting activity permit end date is June 30, 2010. Permit issued: June 25, 2009.

21094123. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for highway/road development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is June 30, 2010. Permit issued: June 25, 2009.

21094121. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424 blasting activity permit issued for cattle barn and manure pit development in Southampton Township, **Cumberland County**. Blasting activity permit end date is June 19, 2010. Permit issued: June 25, 2009.

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

02094004. USA South Hills Landfill (3100 Hill Road, South Park Township, PA 15129). Blasting activity permit for construction of a cell expansion at a landfill located in South Park Township, **Allegheny County**, with an expected duration of 180 days. Permit issued: June 29, 2009.

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

27094005. Pennsylvania General Energy Corp. (120 Market Street, Warren, PA 16365) Blasting activity permit for well exploration in Howe Township, **Forest County**. This blasting activity permit will expire on June 30, 2010. Application received: June 26, 2009. Permit Issued: June 30, 2009.

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

48094107. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Wilson Area Intermediate School in Wilson Borough, **Northampton County** with an expiration date of June 30, 2010. Permit issued: June 26, 2009.

13094001. Mazzuca Enterprises, Inc., (510 North 14th Street, Pottsville, PA 17901) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for East Penn Township Sanitary Sewer System in East Penn Township, **Carbon County** with an expiration date of June 1, 2010. Permit issued: July 1, 2009.

58094012. John Brainard (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Payne House Foundation in Gibson Township, **Susquehanna County** with an expiration date of July 30, 2009. Permit issued: July 1, 2009.

09094103. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Washington Crossing Cemetery in Upper Makefield Township, **Bucks County** with an expiration date of June 30, 2010. Permit issued: July 1, 2009.

38094115. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Nevco Farm Dairy Barn in Jackson Township, **Lebanon County** with an expiration date of December 30, 2009. Permit issued: July 1, 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

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

E22-521: Millersburg Ferry Boat Association, Diane Hammaker, Operations Manager, P. O. Box 93,

Millersburg, PA 17061, Upper Paxton Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To 1) reconstruct, restore and maintain the existing rock wall; 2) remove 1.0 foot high bedrock outcrops within a 4,000.0-foot long by 25.0-foot wide area; and 3) stabilize and maintain 100.0 feet of west riverbank and 100.0 feet of east riverbank with excavated rock material in the Susquehanna River (WWF), all for the purpose of ferry boat access during low flow periods just west of the intersection of River Street and North Street (Millersburg, PA Quadrangle; 7.5 inches N, 12.5 inches W; Latitude: 40° 32' 27.6" N, Longitude: 76° 57' 53.7" W) in Upper Paxton Township, Dauphin County.

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

E17-451. EOG Resources, Inc., 16 2039 South Sixth Street, Indiana, PA 15801-6012. EOC Resources Punxsutawney Hunt Club Natural Gas Exploration, Development and Transmission Project, Lawrence, Pine and Union Townships, **Clearfield County**, United States Army Corps, Baltimore District (Huntley, PA Quadrangle Latitude: 41° 09' 50.20"; Longitude: 78° 27' 31.67").

EOG Resources, Inc. proposes to construct, operate, repair and maintain gas pipelines and road crossings for natural gas well exploration, development and transmission that require encroachment of the following of five wetlands and ten streams:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
RA1-3	Pipeline Crossing	Tributary Alex Branch	HQ-CWF	41° 10' 09.58"	78° 26' 48.55"
RA2-2	Pipeline Crossing	Little Laurel Run	HQ-CWF	41° 10' 28.68"	78° 28' 16.09"
RA2-4	Pipeline Crossing	Little Laurel Run	HQ-CWF	41° 10' 50.14"	78° 28' 25.21"
RA2-5	Pipeline Crossing	Tributary Little Laurel Run	HQ-CWF	41° 10' 50.40"	78° 28' 25.67"
RA2-6	Temporary Road Crossing	Tributary Little Laurel Run	HQ-CWF	41° 10' 56.47"	78° 28' 28.61"
RA2-7	Pipeline Crossing	Tributary Little Laurel Run	HQ-CWF	41° 10' 56.47"	78° 28' 28.61"
RA2-10	Temporary Road Crossing	Tributary Little Laurel Run	HQ-CWF	41° 11' 18.77"	78° 28' 38.67"
RA2-11	Pipeline Crossing	Tributary Little Laurel Run	HQ-CWF	41° 11' 18.77"	78° 28' 38.67"
RA2-12	Temporary Road Crossing	Tributary Little Laurel Run	HQ-CWF	41° 10' 09.58"	78° 26' 48.55"
RA2-13	Pipeline Crossing	Tributary Little Laurel Run	HQ-CWF	41° 10' 09.58"	78° 26' 48.55"
RA2-1	Pipeline Crossing	Wetland	EV	41° 10' 27.91"	78° 28' 16.07"
RA2-3	Pipeline Crossing	Wetland	EV	41° 10' 48.35"	78° 28' 23.16"
RA2-8	Temporary Road Crossing	Wetland	EV	41° 11' 16.90"	78° 28' 38.29"
RA2-9	Pipeline Crossing	Wetland	EV	41° 11' 16.90"	78° 28' 38.29"
RA2-14	Clearing and Grubbing	Wetland	EV	41° 11' 16.90"	78° 28' 38.29"

All in-stream construction, repair and maintenance work shall be conducted in dry work conditions by boring, dam and pumping, fluming or diverting stream flow around work areas. Since Alex Branch and Little Laurel Run are wild trout fisheries, no construction or future repair work shall be done in or along the stream channels between October 1 and December 31 without prior written approval from the Fish and Boat Commission. This permit also authorizes the construction, operation, maintenance and removal of temporary stream diversions, flumes, cofferdams, roadways and causeways necessary for pipeline construction and repair. With the exception of 0.03-acre of wetland conversion, all impacts incurred for activities authorized herein shall be temporary, and the permittee shall perform all activities strictly in accordance with the maps, plans, profiles, specifications provided for this authorization. The project is located along the western right-of-way of the McGeorge Road approximately 1.5-miles south of Tyler Road and McGeorge Road intersection. The Department has deemed the 0.03-acre of permanent wetland impacts incurred by clearing and grubbing pipeline right-of-way as de minus, for which replacement wetlands as mitigation of the impacts shall not be required. If upon investigation the Department determines the activities authorized by this permit are serving to degrade Alex Branch, Little Laurel Run or associated wetlands, the permittee shall develop and implement a corrective action plan that fully abates the degradation. The permittee shall submit all corrective action plans to the Department for review and approval prior to implementation.

E18-443. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0477 Section A03 bridge structure replacements in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle; Latitude: 41° 04' 58"; Longitude 77° 27' 40").

The applicant proposes to construct, operate and maintain two structures located on SR 0477 along Long Run. The first structure is an existing single span I-beam bridge with a clear span of 35.5 ft and a hydraulic opening of 149.83 ft². It will be replaced with a concrete spread box beam bridge with a clear span of 38.5 ft and a hydraulic opening of 150.21 ft². The second structure is a 5' x 7' corrugated metal arch culvert. The existing culvert has been severely impacted by adjacent fill. It will be replaced with a 4' x 6.3' elliptical concrete pipe. The proposed pipe will be approximately 30 ft longer than the existing culvert due to the adjacent fill. Long Run is classified as a HQ-CWF and is Approved Trout Waters. The project will result in deminimus wetland impacts and 60 feet of permanent stream impacts. This permit also includes 401 Water Quality Certification.

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

To construct and maintain: 1) 335 linear feet of R-6 riprap bank protection; 2) 195-foot by 9-inch 3 to 4.5 foot tall reinforced concrete retaining wall with saw-tooth rock deflectors along the length of the wall, 3) a 185 square foot floating walkway and recreational dock; 4) 325 linear feet of R-6 riprap bank protection; 5) a 32-foot by 21-foot 9-inch open sided pavilion in the right floodway; and 6) a 3-foot diameter corrugated plastic outfall pipe located on the right bank of the West Branch Susquehanna River located 1.5 miles downriver from SR 15 at the end of

Seven Kitchens Road. This permit was issued under Section 105.13(e) "Small Projects."

E60-202. Thomas S. Reitz, 5236 State Road 304, Winfield, PA 17889. Reitz Fence, in Union Township, **Union County**, ACOE Baltimore District (Northumberland, PA Quadrangle, N: 40° 54' 0"; W: 76° 50' 9").

To construct and maintain a privacy fence made of six 4-foot by 6-foot by 24-foot long lattice panels on seven 4-inch by 4-inch wooden posts located in the right 100-year floodway of the West Branch Susquehanna River located 6 feet east of the eastern corner of the mobile home at 445 Lee's Lane. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-1594. South Park Township, 2675 Brownsville Road, South Park, PA 15129. To fill wetlands and enclose a UNT to Piney Fork in South Park Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District. (Glassport, PA Quadrangle N: 6.1 inches; W: 16.8 inches; Latitude: 40° 16' 60"; Longitude: 79° 59' 45"). To place and maintain fill within several watercourses within the Piney Fork watershed (TSF), to relocate other portions of these watercourses, to construct and maintain an enclosure of additional reaches of these watercourses, to construct and maintain an on-stream, nonjurisdictional dam, and to place and maintain fill in 0.07 acre of adjacent wetlands (PF), for the purpose of construction of a new soccer field at Evans Park. This project will cumulatively impact 1,405-ft UNTs within the Piney Fork watershed (TSF), all of which have a drainage area of less than 100 acres. The stream enclosure will consist of a 675-ft long, 15-inch diameter PVC pipe. The project is located at Evans Park on the north side of Ridgeway Drive, approximately 1,000.0 feet north from the intersection of Ridgeway Drive and Shortlee Street. (Glassport, PA Quadrangle N: 6.1 inches; W: 16.8 inches; Latitude: 40° 16' 60"; Longitude: 79° 59' 45"). To compensate for the impacts, the permittee will construct an approximately 1.66 vehicles at an offsite location, along Piney Fork Road (Glassport, PA Quadrangle N: 4.14 inches; W: 13.25 inches; Latitude: 40° 16' 22"; Longitude: 79° 58' 12").

E03-448. Roaring Run Watershed Association, P. O. Box 333, Apollo, PA 15613-1338. To construct a pedestrian bridge in Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District. (Vandergrift, PA Quadrangle: N: 6.7 inches; W: 0.55 inch and Latitude: 40° 32' 14" Longitude: 79° 30' 14"). To construct and maintain a pedestrian bridge 5 feet wide having a span of 32 feet and an underclearance of 7 feet on a trail across a UNT o the Kiskiminetas River (WWF).

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

E43-344. Douglas E. Thomas, 310 Diamond Road, Grove City, PA 16127. Cranberry Village Cul-De-Sac, in Pine Township, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District (Grove City, N: 40° 10' 57", W: 80° 05' 40" inches).

Construct and maintain two cul-de-sacs in the Cranberry Village Plan of lots at the end of Blueberry Lane approximately 0.3 mile NE of the intersection of Gasper Road and Cranberry Road involving: 1) to fill two PEM wetlands having areas of 0.14 acre and 0.04 acre respectively, and 2) to construct and maintain 0.37 acre of PEM wetland within Lot 55 adjacent to two existing wetlands.

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 may 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 & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

ESCGP-1 No.: ESX09-125-0010
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Mt. Pleasant
 Receiving Stream(s) and Classifications: UNT to Cross Creek, HQ, Other

ESCGP-1 No.: ESX09-051-0015
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Bullskin
 Receiving Stream(s) and Classifications: UNT to Polecat Hollow, Other

ESCGP-1 No.: ESX09-059-0014
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Cumberland
 Receiving Stream(s) and Classifications: UNT to Muddy Creek, Other

ESCGP-1 No.: ESX09-125-0011
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: UNT to Bane Creek and UNT to Little Tenmile Creek, Other

ESCGP-1 No.: ESX09-129-0014
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland Township(s): Hempfield
 Receiving Stream(s) and Classifications: Little Sewickley Creek, Other

ESCGP-1 No.: ESX09-129-0015
 Applicant Name: Atlas Resources, LLC
 Contact Person: W. Scott Rusmisl
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland Township(s): South Huntingdon
 Receiving Stream(s) and Classifications: UNT to Youghiogeny River, Other

ESCGP-1 No.: ESX09-059-0015
 Applicant Name: Eastern American Energy Corp
 Contact Person: Michael J. Cochran, Jr.
 Address: 1380 Route 286 Highway E, Suite 221

City: Indiana State: PA Zip Code: 15701
 County: Greene Township(s): Cumberland
 Receiving Stream(s) and Classifications: Muddy Creek

ESCGP-1 No.: ESX09-059-0017
 Applicant Name: Atlas Resources, LLC
 Contact Person: W. Scott Rusmisl
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Cumberland
 Receiving Stream(s) and Classifications: UNT to Pumpkin Run, Other

ESCGP-1 No.: ESX09-063-0002
 Applicant Name: EQT Production Company
 Contact Person: Shari Darr Hodges
 Address: 225 North Shore Drive
 City: Pittsburgh State: PA Zip Code: 15212
 County: Indiana Township(s): Cherryhill
 Receiving Stream(s) and Classifications: Browns Run, Unnamed Tributary to Two Lick Creek, Other

ESCGP-1 No.: ESX09-051-0018
 Applicant Name: Atlas Resources, LLC
 Contact Person: W. Scott Rusmisl
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Springhill
 Receiving Stream(s) and Classifications: UNT to Grassy Run

ESCGP-1 No.: Esx09-021-0001
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: David A. McDougal
 Address: P. O. Box 6070, 900 Pennsylvania Avenue
 City: Charleston State: WV Zip Code: 25362
 County: Cambria Township(s): Adams
 Receiving Stream(s) and Classifications: Northern Part—Unnamed tributary (HQ-CWF)—Sandy Run Creek (HQ-CWF)—South Fork (HQ-CWF)—Little Conemaugh River (HQ-CWF. Southern Part—UNT (CWF)—Littlepoint Creek (CWF)—Stoneycreek River (WWF)—Conemaugh River (WWF), HQ

ESCGP-1 No.: Esx09-111-0004
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: David A. McDougal
 Address: P. O. Box 18496
 City: Oklahoma City State: OK Zip Code: 73154
 County: Somerset Township(s): Ogle
 Receiving Stream(s) and Classifications: Clearshade (EV)—Windber Reservoir—Clearshade Creek (HQ-CWF)—unnamed tributaries (CWF)—Darkshade Creek (CWF)—Shade Creek (CWF)—Stoney Creek (WWF)—Conemaugh River (WWF), HQ

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

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

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
26 08 8 01	Atlas Energy Resources, LLC 100 Mt. View Drive Smithfield, PA 15478	Fayette	Springhill Township	Grassy Run WWF
26 08 8 02	Atlas Energy Resources, LLC 100 Mt. View Drive Smithfield, PA 15478	Fayette	Springhill Township	Grassy Run WWF
26 08 8 03	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Lower and Upper Tyrone Townships	Hickman Run WWF
26 09 8 01	Ted Wurfel Chief Gathering, LLC 6051 Wallace Road, Suite 210 Wexford, PA 15090	Fayette	Henry Clay Township	Little Sandy Creek HQ-CWF
26 09 8 02	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Washington Township	Lutz Run WWF

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
26 09 8 03	Jason deWolfe Chief Oil & Gas, LLC 6051 Wallace Road, Suite 210 Wexford, PA 15090	Fayette	Henry Clay Township	Fike Run HQ-CWF
26 09 8 04	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Jefferson Township	Wash Water Run WWF
26 09 8 05	William Brett Texas Eastern Transmission LP 890 Winter Street, Suite 300 Waltham, MA 02451	Fayette	North Union Township	Cove Run WWF
26 09 8 06	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Luzerne Township	UNT to Monongahela River WWF
26 09 8 07	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Redstone Township	Rowes Run WWF
26 09 8 08	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	German Township	Cats Run WWF
26 09 8 09	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	German Township	Dunlap Creek WWF
26 09 8 10	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Washington Township	UNT to Little Redstone Creek WWF
26 09 8 11	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Redstone and Menallen Townships	Salt Lick Run WWF
26 09 8 13	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Redstone Township	UNT to Dunlap Creek WWF
26 09 8 14	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	German Township	Dunlap Creek WWF
26 09 8 15	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	German Township	Dunlap Creek WWF
26 09 8 16	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Nicholson Township	Jacobs Creek WWF
26 09 8 17	Atlas Energy Resources, LLC 800 Mt. View Drive Smithfield, PA 15478	Fayette	Lower Tyrone Township	Hickman Run WWF

Greene County Conservation District: 93 East High Street, Room 215, Waynesburg, PA 15370, (724) 852-5278.

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
OG 30 08 003	Hanna E. McCoy Equitable Gathering, LLC 225 North Shore Drive Pittsburgh, PA 15212	Greene	Morris Township	Browns Creek HQ-WWF

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG 30 09 018	Hanna E. McCoy Equitable Gathering, LLC 225 North Shore Drive Pittsburgh, PA 15212	Greene	Morgan and Washington Townships	UNT to Ruff Creek WWF Craynes Run and UNT to Craynes Run WWF Craig Run and UNT to Craig Run WWF Poverty Run and UNT to Poverty Run WWF Grimes Run WWF UNT to Boyd Run WWF

Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601. (724) 837-5271.

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
65 08 802	Anya Schrier Columbia Gas of PA, Inc. 501 Technology Drive Canonsburg, PA 15317-7535	Westmoreland	South Huntingdon and Sewickley Townships	Sewickley Creek WWF

SPECIAL NOTICES

ADVERTISEMENT FOR PROPOSALS

In accordance with Act 101 and Section 272 of the PA Solid Waste Rules and Regulations (as amended), the County of Wayne is seeking waste disposal capacity for municipal waste (MSW) for a minimum of 5 years, with an option to extend said capacity for up to 5 additional years, for a total of 10 years. Wayne County is hereby soliciting responses to qualify facilities to provide processing/disposal capacity for County-generated MSW, to begin on or after July 1, 2010.

Copies of Wayne County's Facility Qualification Request (FQR) may be obtained from the Wayne County Recycling Center, 66 Volunteer Drive, Honesdale, PA, 18431 or by calling (570) 253-9727. All responses must be made on the Submittal Form and in accordance with the Instructions to Respondents provided in the FQR. The respondent must submit the original and three copies to the address listed above, Attention Randy S. Heller by 3 p.m. EDT on August 14, 2009. Qualified facilities will be notified once all applications have been reviewed by the Wayne County Solid Waste Advisory Committee.

Wayne County reserves the right to reject any or all responses and to waive any informalities in the solicitation process.

NOTICE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 2009 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania 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, (1-800-23RADON).

<i>NAME</i>	<i>ADDRESS</i>	<i>TYPE OF CERTIFICATION</i>
AccuStar Labs—Lebanon	929 Mt. Zion Road Lebanon, PA 17046	Laboratory
Chad Albright	3810 Broad Avenue CA Construction Altoona, PA 16601	Testing Mitigation
Tina Artigliere	P. O. Box 4475 Reading, PA 19606	Testing
Scott Barone	715 Stanley Avenue Springdale, PA 15144	Testing
Benchmark Professional Property Inspection	723 South State Street Clarks Summit, PA 18411	Testing
Rob Bruno Boro Environmental	501 Sharp Avenue Glenolden, PA 19036	Testing
Jeffrey Calta	P. O. Box T 106 Vensel Lane Chicora, PA 16025	Testing
Jeffrey Chase	124 Merino Drive Canonsburg, PA 15317	Testing
Steven Clayton	P. O. Box 278 Blairsville, PA 15717	Mitigation
Scott Feeser Bloodhounds, LLC	16 West Hanover Street Gettysburg, PA 17325	Testing
Vilas Godbole	6314 Hilltop Drive Brookhaven, PA 19015	Testing
Nancy Hernandez	2 Hayes Street Elmsford, NY 10523	Laboratory
Jeffrey Hicks	P. O. Box 182 Reeders, PA 18352	Testing
Janice Kourniotis	426 Regency Drive Pittsburgh, PA 15239	Testing
Michael Lieb	407 Burmont Road Drexel Hill, PA 19026	Testing
Jeremy Ling	2843 North Front Street Harrisburg, PA 17110	Mitigation
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Jerry Petrill	290 Forbes Trail Road Greensburg, PA 15601	Mitigation
Gerald Petrone	1661 Pembroke Drive Pittsburgh, PA 15243	Testing
Pillar to Post Philadelphia LLC	8001 Roosevelt Boulevard #400 Philadelphia, PA 19152	Testing
Shawn Price Air Chek, Inc.	1936 Butler Bridge Road Mills River, NC 28759	Laboratory
Troy Rudy Allied Home Inspections, Inc.	202 West Liberty Street Lancaster, PA 17603	Testing
Mark Runge	4848 Eighth Avenue Temple, PA 19560	Mitigation
Eugene Spoehr	1 Rosalie Lane Unit C Aston, PA 19014	Testing
Lawrence Transue	706 East Street West Easton, PA 18042	Testing
Kevin Thompson	P. O. Box 242 Unionville, PA 19375	Testing
Eric Zigga	835 Murray Street Throop, PA 18512	Mitigation

SPECIAL NOTICE

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

SPECIAL NOTICE

CMT Energy, Inc., GFCC No. 17-05-01, SGL No. 60 Operation, Beccaria and Gulich Townships, Clearfield County (Muddy Run to Clearfield Creek-Upper West Branch Watershed): A no-cost construction contract has been awarded to CMT Energy, Inc. that will result in the reclamation of approximately 9.3 acres of abandoned mine land including the removal of approximately 64,000 tons of refuse from 7.5 acres. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$45,000 which will be done at no cost to the Commonwealth. The site is located approximately 1/2 mile north-east of Beccaria along Muddy Run on lands formerly mined and subsequently abandoned by C. E. Powell Coal Company in the late 1940s. Blasting and refuse reprocessing are prohibited at the site.

[Pa.B. Doc. No. 09-1286. Filed for public inspection July 17, 2009, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Guidance

DEP ID: 275-2101-009. Title: Waste Derived Liquid Fuels (WDLF). Description: The Department of Environmental Protection (Department) is proposing a revision to the technical guidance for the use of Waste Derived Liquid Fuels (WDLF). This proposed technical guidance document change, authorized under section 6.6(c) of the Air Pollution Control Act and 25 Pa. Code §§ 127.1 and 127.12(a)(5), will apply to owner/operator sources that switch from a virgin fuel to a WDLF. The technical

guidance will also apply to a change from an existing WDLF to one of a different classification or to a change in the contaminant or physical property characteristics within a WDLF category that is substantially different than specified in a previously issued plan approval. The owners and operators of new and existing sources are required to obtain plan approvals under 25 Pa. Code Chapter 127.

The objective of this technical guidance is to establish air quality permit review procedures for sources that use WDLF and to establish a method to classify WDLF for ease in permit review using minimum contaminant and physical property specifications. Waste oil fuel that does not exceed the specifications is termed "on-specification waste oil fuel." Waste oil fuel that exceeds any specification level is termed "off-specification waste oil fuel." The classification will be used in conjunction with the permit review requirements to identify the level of permit review required.

The following changes will be considered to be modifications pursuant to 25 Pa. Code § 121.1:

1. A change from a virgin fuel to a waste derived liquid fuel or a virgin oil to which waste liquids or solids have been added or blended;
2. A change from a waste derived liquid fuel to one in a different classification; or,
3. A change in the contaminant or physical property characteristics within a waste derived liquid fuel category that is substantially different than specified in a previously filed plan approval application or occurring after July 1, 1972, at a previously unpermitted source. New sources as well as existing (pre-1972) or new (post-1972) modified air contamination sources are required to obtain 25 Pa. Code Chapter 127 plan approval.

This revised technical guidance document contains updated classifications and definitions of waste derived and hazardous waste derived liquid fuels. In addition to defining the limits that classify waste derived liquid fuel as on-specification waste derived liquid fuel or off-specification waste derived liquid fuel, the requirements for toxic substances derived liquid fuels has been updated. Each applicant for a waste derived liquid fuel plan approval must submit, for each fuel supplier or waste stream, a completed supplemental form entitled Waste Derived Liquid Fuel, which will be used to determine the waste derived liquid fuel classification as defined in Section B of the technical guidance document (Addendum B).

This technical guidance document also describes both general and specific permit review procedures, analytical and sampling reference techniques, total halogen screening, sample taking and retaining procedures, PCB/METALS/TX/Flash auditing procedures and WDLF content specifications. Written Comments: The Department invites written comments on the proposed change. Interested persons may submit written comments, suggestions or objections to Joseph White, Environmental Engineer Manager, Technical Support Section Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department will also consider written requests that a public hearing be held concerning this proposed technical guidance document change. Written public comments must be submitted to the Department by September 1, 2009. Comments received by facsimile will not be accepted. Contact: Interested parties are encouraged to obtain and review a complete copy of this

proposed technical guidance document change by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the proposed technical guidance document at <http://www.depweb.state.pa.us> (DEP Keyword: Air Permits) (look under "Draft Guidance Documents"). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1287. Filed for public inspection July 17, 2009, 9:00 a.m.]

Bid Opportunity

OSM 35(3738)102.1, Abandoned Mine Reclamation Project, North Golf Course, Taylor Borough, Lackawanna County. The principal items of work and approximate quantities include 914,600 cubic yards of grading and 64 acres of seeding. This project issues on July 17, 2009, and bids will be opened on August 18, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub.L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1288. Filed for public inspection July 17, 2009, 9:00 a.m.]

Bureau of Watershed Management; Division of Waterways, Wetlands and Stormwater Management; Pennsylvania Wetland Replacement Project; Public Notice

The Department of Environmental Protection (Department) has approved the following wetland restoration projects for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the following projects is anticipated to begin in the summer of 2009. For further information, contact Shelby E. Reisinger, Department of Environmental Protection, Division of Waterways, Wetlands, and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775 at (717) 783-2408 or shreisinge@state.pa.us.

Project No. O18B65-001

The primary objective of the 2.5 acre wetland project, in Subbasin 18 (the Kiskiminetas River Watershed), is to restore habitat to a highly manipulated landscape. A secondary objective is to control surface water runoff which is causing erosion. The parcel has a large amount

of erosion from fill that was placed there after construction of a golf course and from mining refuse piles. This project will excavate the fill and remove the mining refuse which will provide the opportunity for the expansion of several small wetland pockets that have established over time. The project is located on the Cherry Wood Golf Course property in Bell Township, Westmoreland County. (Vandergrift, PA Quadrangle N: 9 inches; W: 6.5 inches)

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1289. Filed for public inspection July 17, 2009, 9:00 a.m.]

Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

Application Period for Calendar Year 2008

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of Municipalities (53 P. S. § 4000.904). include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation). Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in (53 P. S. § 1501(c)(1)(i)) recovered by municipal recycling programs, and the population of the municipality as determined by the most recent decennial census.

Eligible materials include postconsumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2008, to and including, December 31, 2008.

Grant applications must be on forms provided by the Department for calendar year 2008. Grant applications must be delivered by 4 p.m., September 30, 2009, or postmarked on or before that day. Applications received by the Department after the deadline will be returned to the applicant. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of moneys in the Recycling Fund.

Municipalities wishing to file an application should contact their County Recycling Coordinator or the Department at the address that follows. Applicants who filed a Performance Grant application for calendar year 2007 will be mailed a current application by the Department as soon as they are available. Applications may also be obtained from the Department's web site at www.depweb.state.pa.us (Keyword: "Recycling Grants"). Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of

Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472 or mvottero@state.pa.us.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1290. Filed for public inspection July 17, 2009, 9:00 a.m.]

<i>Facility Name</i>	<i>County</i>	<i>Department Region</i>
Keystone Power Plant	Armstrong	Southwest
Seward Power Plant	Indiana	Southwest

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1291. Filed for public inspection July 17, 2009, 9:00 a.m.]

Name Change for Facilities

The Department of Environmental Protection (Department) has taken final action to change the name on all existing permits, approvals, licenses and plan approvals at the following facilities (listed as follows). The name on all previously issued permits, licenses and approvals to Reliant Energy Northeast Management Company is now changed to RRI Energy Northeast Management Company. The name on all previously issued permits, licenses and approvals to Reliant Energy Mid-Atlantic Power Holdings, LLC is now changed to RRI Energy Mid-Atlantic Power Holdings, LLC. The name on all previously issued permits, licenses and approvals to Reliant Energy Wholesale Generation, LLC is now changed to RRI Energy Wholesale Generation, LLC. Note that this is only a name change; not a change in ownership. A complete list of the permits is available from the Department’s Office of Field Operations at (717) 783-8697.

<i>Facility Name</i>	<i>County</i>	<i>Department Region</i>
Blossburg Combustion Turbine	Tioga	Northcentral
Shawville Power Plant	Clearfield	Northcentral
Bangor Quarry Ash Disposal Facility	Northampton	Northeast
Portland Power Plant and CT	Northampton	Northeast
Shawnee Combustion Turbine	Monroe	Northeast
Brookville Maintenance Facility	Monroe	Northeast
Warren Combustion Turbine and Closed Site	Warren	Northwest
Wayne Combustion Turbine	Crawford	Northwest
Hamilton Combustion Turbine	Adams	Southcentral
Hunterstown Combined Cycle Power Plant	Adams	Southcentral
Hunterstown Combustion Turbine	Adams	Southcentral
Mountain Combustion Turbine	Cumberland	Southcentral
Orrtanna Combustion Turbine	Adams	Southcentral
Titus Power Plant and CT	Berks	Southcentral
Tolna Combustion Turbine	York	Southcentral
Williamsburg Closed Ash Site	Blair	Southcentral
Conemaugh Power Plant	Indiana	Southwest

Nutrient and Sediment Reduction Credit Trading Program

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

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

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through July 6, 2009.

Background

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

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

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

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

The Department has received 71 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 45 have been approved, one has been withdrawn and the remaining need additional clarification prior to certification.

Proposals under Review

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

<i>Proposal Applicant</i>	<i>Proposal Description</i>
1. Lancaster County Conservation District	Nitrogen credits generated by the implementation of no-till and cover crops.
2. Lycoming County Conservation District	Nitrogen and Phosphorus credits generated by the export of poultry manure outside of the watershed and nitrogen credits generated by the implementation of precision grazing, off-stream watering, stream bank fencing, off-stream watering without fencing, horse pasture management and a riparian forest buffer.

Certifications:

There are no new certifications.

Verifications and Registrations:

To date, there are no verifications and registrations.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1292. Filed for public inspection July 17, 2009, 9:00 a.m.]

2009 Water Quality Assessment and Listing Methodology

The Department of Environmental Protection (Department) is required to provide the public with the opportunity to review and comment on the methodology used to assess water use attainment status of streams and lakes listed in its "Integrated Water Quality Monitoring and Assessment Report." The 60-day public comment period for the updated 2009 Assessment and Listing Methodol-

ogy closed June 12, 2009. No objections to the protocols were received and the new version now supersedes the older 2007 Assessment Methodology. This updated methodology will be used to generate the 2010 "Integrated Water Quality Monitoring and Assessment Report."

The 2009 Assessment and Listing Methodology can be viewed on the Department's web site at www.depweb.state.pa.us (under "Water Topics," select "Water Quality," then scroll down to the "Monitoring" heading and select "2009 Assessment Methodology"). Due to the size of the document, it will not be available in hardcopy.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1293. Filed for public inspection July 17, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a), 205.27 and 205.28(b) (relating to dining room; lounge and recreation rooms; and nurses' station).

St. Monica Manor
2509 South 4th Street
Philadelphia, PA 19148
FAC ID 230602

This request is on file with the 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, paexcept@health.state.pa.us.

Persons who wish to comment on this 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 or phone numbers 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. 09-1294. Filed for public inspection July 17, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities Notice of Change in Methods and Standards of Setting Payment Rates

Purpose of Notice

The purpose of this notice is to announce that the Department of Public Welfare (Department) is proposing to adopt regulations and amend the Commonwealth's Title XIX State Plan to change its methods and standards for payment of Medical Assistance (MA) nursing facility services provided by nonpublic and county nursing facilities beginning Fiscal Year 2009-2010.

Background

Act 2008-44 (Act 44) was enacted in Pennsylvania on July 4, 2008. Act 44 amended, among other things, provisions of the Public Welfare Code relating to payment for nursing facility services under the MA Program. To comply with Act 44 the Department is proposing amendments to 55 Pa. Code Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility services). In addition to the changes directed by Act 44, the Department is proposing to make other revisions to streamline and simplify rate-setting for nonpublic nursing facilities and to eliminate obsolete regulatory provisions.

Specific Requirements

Act 44 Revisions:

1. Phase-out of County Costs in Nonpublic Nursing Facility Rate Setting—§§ 1187.96, 1187.97 and 1187.98 (relating to price—and rate-setting computations; rates for new nursing facilities with a change of ownership, reorganized nursing facilities, and former prospective payment nursing facilities; and phase-out median determination).

Effective January 1, 1996, the Department began setting payment rates for both county and nonpublic MA nursing facility providers using the case-mix payment methodology in 55 Pa. Code Chapter 1187. Under the case-mix payment methodology, nursing facilities, other than special rehabilitation facilities and hospital-based nursing facilities, are classified into peer groups based upon their size and geographic location. The MA audited allowable costs of the facilities in the peer group are used to establish prices for the net operating components of the facilities' case-mix per diem rates. The prices are used to cap the net operating rates components.

Beginning July 1, 2006, the Department established a new payment methodology for county nursing facility providers, which is based on the counties' certified public expenditures to provide nursing facility services to MA recipients. In establishing this separate payment methodology, the Department recognized that the county nursing facilities' MA audited allowable costs would no longer be included in the rate-setting database used to calculate peer group prices for nonpublic facilities, and that as a result the rates for these facilities could decline. To mitigate any adverse impact of this change on nonpublic nursing facilities, the Department adopted amendments to Chapter 1187 authorizing the continued use of county costs in the rate-setting process for nonpublic nursing facilities for a 2-year period, which ended June 30, 2008.

Act 44 directs the Department to include county costs in calculating rates for nonpublic nursing facilities for an additional rate year, and to propose regulations to phase-out the use of county costs over a 3-year period beginning July 1, 2009, and ending June 30, 2012. To comply with Act 44, the Department is proposing to revise the rate-setting methodology in §§ 1187.96, and 1187.98, and to make a related change to § 1187.97.

The Department is proposing to revise § 1187.96 to specify that it will use phase-out medians, as determined in accordance with § 1187.98 to set prices for the net operating cost centers (resident care, other resident related and administrative) for each peer group that contains a county nursing facility for the 3-year phase out period, rate years 2009-2010, 2010-2011 and 2011-2012.

The Department is proposing to revise § 1187.98 to specify how phase-out medians will be calculated for the 3-year phase-out period. Under the proposed revisions, the Department will continue to include county nursing facilities in determining peer group in accordance with § 1187.94(1) (relating to peer grouping for price setting) for rate years 2009-2010, 2010-2011 and 2011-2012. Once peer groups have been determined, the Department will calculate an interim median by adding each county nursing facility's costs from the three most recent audited cost reports to a noncollapsed peer group based on bed size and Metropolitan Statistical Area (MSA) group. The Department will then calculate the phase-out median as follows:

For rate year 2009-2010, the phase-out median will equal 75% of the interim median plus 25% of the median calculated in accordance with § 1187.96.

For rate year 2010-2011, the phase-out median will equal 50% of the interim median plus 50% of the median calculated in accordance with § 1187.96.

For rate year 2011-2012, the phase-out median will equal 25% of the interim median plus 75% of the median calculated in accordance with § 1187.96.

For rate year 2012-2013 and thereafter, county nursing facility MA allowable costs will not be used in the rate-setting process for nonpublic nursing facilities.

The 3-year phase-out of the use of county nursing facility costs should provide a transition period for nonpublic nursing facilities to adjust their business practices accordingly.

In addition to providing authority for calculation and use of phase-out medians, the Department is proposing to make a related change to § 1187.97 to extend application of this provision, which specifies how payments for county nursing facilities that privatize are calculated, to coincide with the phase-out of the county nursing facility costs in setting nonpublic nursing facility payment rates.

2. Bed Hold Day, Otherwise Referred to as a Hospital Reserved Bed Day—§§ 1187.97, 1187.104 and 1189.103 (relating to limitations on payment for reserved beds).

Currently, the Department pays nonpublic and county nursing facilities a maximum of 15 consecutive reserved bed days per hospitalization to hold a bed for a resident who requires hospitalization. The payment is made at a rate of 1/3 of the nursing facility's per diem rate on file with the Department at the time of the hospitalization, and is paid regardless of the nursing facility's overall total occupancy rate.

Act 44 directs the Department to propose regulations to establish minimum occupancy requirements as a condi-

tion for MA nonpublic and county nursing facilities to receive reserved bed day payments for MA residents, and to phase-in the use of these requirements over a period of 2 rate years beginning July 1, 2009, and ending June 30, 2011. To comply with Act 44, the Department is proposing to revise the rate-setting methodology in §§ 1187.97, 1187.104 and 1189.103 as follows:

Beginning July 1, 2009, and ending June 30, 2010, the Department is proposing to amend §§ 1187.104 and 1189.103 to specify that it will only pay a nonpublic or county MA nursing facility for a hospital reserved bed day if the facility's overall total occupancy for the applicable picture date is equal to or greater than 75%. Beginning July 1, 2010, and thereafter, the Department is proposing to pay a facility for a hospital reserved bed day only if the facility's overall total occupancy for the applicable picture date is equal to or greater than 85%. The Department is also proposing to amend §§ 1187.97 and 1189.103 to exempt a new nursing facility from these occupancy requirements until Case-Mix Index Reports for the three picture dates used to calculate overall occupancy are available for the rate quarter.

The intent of these proposed changes is to ensure that MA recipients continue to receive access to medically necessary nursing facility services while encouraging nursing facility efficiency and economy associated with nursing facility occupancy levels.

3. Other revisions:

a. Fixed property component of a nonpublic nursing facility's capital rate—§§ 1187.2, 1187.51, 1187.57, 1187.91, 1187.96 and 1187.112.

Currently under the case-mix payment system, the Department annually computes a facility-specific capital rate for each nursing facility. The nursing facility's capital rate consists of a fixed property component, a movable property component, and a real estate tax component. The fixed property component is based on the fair rental value of the nursing facility's fixed property which is determined by an appraisal completed by an independent appraisal firm under contract with the Department. The nursing facility's fair rental value is adjusted by the appraised depreciated replacement cost of the nursing facility's fixed property to account for the per bed limitation of \$26,000 and the bed moratorium provision contained in § 1187.113 (relating to capital component payment limitation). The adjusted amount is then multiplied by the financial yield rate.

For Fiscal Year 2008-2009, only six of the 595 nonpublic nursing facilities participating in the MA program were appraised at a fair rental value under \$26,000. Therefore, the Department determined that to continue the use of an appraisal process in the establishing of a nonpublic nursing facility's fixed property component of their capital rate is unnecessarily burdensome and costly. Beginning in Fiscal Year 2009-2010, the Department is proposing to amend §§ 1187.51, 1187.57, 1187.91 and 1187.96 to eliminate references to the use of appraisals in the establishment of the fixed property component of a nonpublic nursing facility's capital rate, and to specify instead that the fixed property component of a nonpublic nursing facility's capital rate will be based on the number of MA allowable beds multiplied by an assigned per bed cost of \$26,000. The result of this calculation will then be multiplied by the financial yield rate. The Department will also add a new definition of "allowable bed" to § 1187.2 (relating to definitions).

The elimination of the use of appraisals in the establishment of the fixed property component of a nonpublic nursing facility's capital rate will make certain terms and other provisions of Chapter 1187 obsolete. Specifically, the terms, "appraisal," "bed cost limitation," "FRV-fair rental value," "initial appraisal," "limited appraisal," "movable property appraisal," "reappraisal" and "updated appraisal" will no longer be used in the payment methodology. In addition, because all allowable beds will be assigned a fixed value of \$26,000, the cost per bed maximum limitation in § 1187.112 (relating to cost per bed limitation adjustment) will be obsolete. Therefore, the Department is proposing to remove these definitions from § 1187.2, and delete § 1187.112 in its entirety.

b. Obsolete moveable property provisions—§§ 1187.57, 1187.91, 1187.96 and 1187.97.

The Department is also proposing to delete the major movable property provisions that relate to cost report periods prior to January 1, 2001, contained in §§ 1187.57, 1187.91, 1187.96 and 1187.97. All nursing facility cost reports contained in the database used for rate setting are for a period beginning after January 1, 2001; therefore, the provisions related to the cost report periods prior to January 1, 2001, are obsolete. This deletion does not change the method used by the Department to determine a nonpublic nursing facility's major movable component of their capital rate. In accordance with current regulation a nonpublic nursing facility's major movable property component will be based on the nursing facility's audited cost of major movable property. Each nursing facility shall report the acquisition cost of all major movable property on the major movable property line of its MA-11, Financial and Statistical Report Schedules (uniform nursing facility cost report), and shall report the cost of minor movable property and the cost of supplies as net operating costs in accordance with § 1187.51 (relating to scope) and instructions for the MA-11.

Fiscal Impact

As a result of these changes, no fiscal impact is anticipated.

Public Comment

Interested persons are invited to submit written comments regarding the BAF formulas to the: Department of Public Welfare, Office of Long-Term Living, Attention: Tom Jayson, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,

Fiscal Note: 14-NOT-613 No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1295. Filed for public inspection July 17, 2009, 9:00 a.m.]

Pharmacy Prior Authorization

Purpose of Notice

The Department of Public Welfare (Department) announces additions to the Medical Assistance (MA) Program's list of services and items requiring prior authorization, effective August 3, 2009:

- Neulasta
- Suboxone, except the initial prescription
- Subutex, except the initial prescription
- Cough and cold medications when prescribed for children under 6 years of age
- Benzodiazepines when prescribed for children under 21 years of age
- Topical acne agents with the potential for cosmetic use, such as those with an active ingredient of topical tretinoin, adapalene, azelaic acid or tazarotene, when prescribed for adults 21 years of age or older.

In accordance with 42 U.S.C.A. § 1396r-8(d)(2)(C) (relating to payment for covered outpatient drugs) the MA Program may exclude or restrict coverage for agents when used for cosmetic purposes.

Section 443.6(b) (7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of prescriptions for the medications listed previously that are dispensed on or after August 3, 2009.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for the medications listed previous.

Fiscal Impact

It is estimated that the prior authorization requirement for these drugs will result in savings of \$0.736 million (\$0.298 million in State funds) in Fiscal Year 2009-2010 and annualized savings of \$0.883 million (\$0.400 million in State funds) in Fiscal Year 2010-2011. These State fund estimates are based on the increased Federal Medical Assistance Percentages as determined under American Recovery and Reinvestment Act (ARRA) of 2009.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-611. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1296. Filed for public inspection July 17, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 51(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by the City of Altoona, 1301 12th Street, Altoona, PA 16601-3458, seeking to lease right-of-way located in Logan Township, Blair County, PA, adjacent to the intersection of Park Avenue and Frankstown Road containing 3.17 acres and is to be used for a skateboard park.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application, to Thomas A. Prestash, P. E., District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this application or the proposed use may be directed to Sherry Peck, District Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-1297. Filed for public inspection July 17, 2009, 9:00 a.m.]

Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

1. Parcel No. 77—Ohio Township, Allegheny County. The parcel contains approximately 17,076 +/- square feet of unimproved landlocked land located north of 150 Arndt Road/SR 4022. The estimated fair market value of the parcel is \$8,700.

Interested public entities are invited to express their interest in purchasing this parcel within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, P. E., District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA, 15017.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-1298. Filed for public inspection July 17, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the act (71 P. S. § 645.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-85	Department of Labor and Industry Workers' Compensation; Individual Self-Insurance 39 Pa.B. 2293 (May 2, 2009)	6/1/09	7/1/09
16A-5512	State Board of Accountancy Biennial Renewal Fees 39 Pa.B. 2208 (May 2, 2009)	6/1/09	7/1/09
16A-4818	State Board of Funeral Directors Continuing Education Enforcement 39 Pa.B. 2210 (May 2, 2009)	6/1/09	7/1/09
16-47	Department of State Schedule of Civil Penalties — Funeral Directors and Funeral Establishments 39 Pa.B. 2205 (May 2, 2009)	6/1/09	7/1/09
16A-4710	State Registration Board for Professional Engineers, Land Surveyors and Geologists Continuing Education 39 Pa.B. 2218 (May 2, 2009)	6/1/09	7/1/09
16A-6315	State Board of Psychology Qualifications 39 Pa.B. 2211 (May 2, 2009)	6/1/09	7/1/09
16-43	Department of State Schedule of Civil Penalties — Engineers, Land Surveyors and Geologists 39 Pa.B. 2206 (May 2, 2009)	6/1/09	7/1/09
57-266	Pennsylvania Public Utility Commission Licensing Requirements for Natural Gas Suppliers 39 Pa.B. 1657 (April 4, 2009)	6/3/09	7/6/09
7-428	Environmental Quality Board Adhesives, Sealants, Primers and Solvents 39 Pa.B. 1636 (April 4, 2009)	6/8/09	7/8/09

Department of Labor and Industry

Regulation #12-85 (IRRC #2758)

Workers' Compensation; Individual Self-Insurance

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review

Act (71 P. S. § 745.5a(a)) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

1. Section 125.2. Definitions.—Reasonableness; Clarity.

Catastrophic loss estimation

There is no explanation for this definition in the Preamble. The Department should provide a description of the basis for and development of this definition with the final-form regulation. The word "usually" used in Paragraph (i) is vague and provides no clear standard for

the regulated community. We recommend that the Department delete this term or include language that clarifies how “usually” is to be determined.

Default multiplier

We have two concerns with this definition. First, the definition states the default multiplier will be published annually in the *Pennsylvania Bulletin* but does not specify when during the year it will be published. The final-form regulation should specify when the publication will occur. Second, the definition includes the phrases “based upon the Bureau’s analysis” and “as derived from the experience of the Self-Insurance Guaranty Fund and of sureties and others paying the claims of defaulted self-insurers.” These phrases appear to retain broad discretion for the Department. Please explain the process that the Department will use in its analysis.

Special retention amount

The second sentence of this definition includes the word “may.” The Department needs to explain when it will use the discretion provided by this word and under what circumstances.

Standard retention amount

We have two concerns. First, the definition uses two non-regulatory terms: “generally” and “commonly.” Both are imprecise and should be deleted from or clarified in the final-form regulation. Second, similar to our first concern on the definition of “default multiplier,” the definition fails to specify when information will be published in the *Pennsylvania Bulletin*.

2. Section 125.3. Application.—Fiscal impact; Reasonableness; Implementation procedure; Clarity.

Subsection (b)

The second sentence in this subsection moves the renewal application deadline from two months to three months before the expiration of the current permit. Two commentators express concern and question the need for this change. They are both public employers and claim that this new requirement will impose a burden on them. The Department should explain the justification for this change or retain the existing language in the final-form regulation.

Subsection (c)

Subsections (c)(2) and (3) require an applicant to file Securities and Exchange Commission (SEC) Form 10-K or 10-Q with the Department. A commentator notes that some foreign corporations file Form 20-F or different forms with the SEC or the governing body of an internationally recognized public securities exchange. How will foreign corporations that do not file Form 10-K or 10-Q comply with this requirement?

Financial statements required under Subsection (c)(4) would have to be in accordance with standards established by the American Institute of Certified Public Accountants. We have two concerns. First, how could foreign corporations that use the standards of the International Accounting Standards Board be able to comply with this provision? Second, financial statements referenced in Subsection (c)(3)(i) list accounting standards of three separate Boards. Why is there a difference in these subsections?

The Department proposes the adoption of an electronic format for submitting information about claims in Subsection (c)(8). There are two concerns. First, Subsection (c)(8)(ii) requires an applicant to provide information on all claims that have been closed. A commentator has

noted that this could be burdensome. What is the need for this requirement? We suggest that the requirement be amended to a finite time period. We have a similar concern with Section 125.16(b).

Second, Subsection (c)(8)(iii) contains the phrase “instructions prescribed by the Bureau.” The final-form regulation should specify where and how applicants may access the instructions and electronic format.

Subsection (d)

Subsection (d) contains the phrase “within the time period prescribed in writing by the Bureau.” What parameters will the Bureau use in setting this time period. Is there a minimum? The final-form regulation should establish a reasonable minimum period and the Bureau could allow additional time as necessary given the unique conditions of each employer.

3. Section 125.4. Application for affiliates and subsidiaries.—Reasonableness; Clarity.

Subsection (a)

Existing Subsection (a) discusses affiliates and subsidiaries without including the terms “direct or indirect.” Proposed Subsection (e) refers to a “direct or indirect subsidiary.” A commentator suggests that the terminology in these subsections should be consistent. The Department should address this inconsistency in terminology in this section and throughout the entire regulation.

Subsection (d)

Subsection (d) includes new language with the phrase “within a time period prescribed by the Bureau.” Our concern with this phrase was explained above in our comments on Section 125.3(d). The applicant should be notified in writing of the length of the time period, and the Department should consider setting a standard minimum for the time period. This concern is also applicable to the use of a similar phrase in Section 125.7(c).

4. Section 125.5. Preliminary requirements.—Reasonableness; Clarity.

New language in Subsection (c) requires that “each employer requesting self-insurance shall have an adequate accident and illness prevention program.” The final-form regulation should specify what constitutes an “adequate” program.

5. Section 125.6. Decision on application.—Need; Reasonableness; Implementation procedures; Clarity.

Several of the subsections within this section require the applicant or the Bureau to take certain actions, but the timeframes for completing the actions are not provided. We recommend that the final-form regulation include specific timeframes for when the actions must be complete. The provisions include Subsections (c), (d), (f), (g) and (g)(5).

Subsection (a)

Under Subsection (a)(2)(ii)(B), how will the Bureau make the referenced estimate? The criteria to be used in making this estimation should be included in the regulation.

Subsection (c)

A commentator has stated that the reduction of time from 60 days to 45 days under Subsection (c)(1) and (c)(1)(i) is not sufficient. What is the reason for reducing the time for conditional approvals?

Subsection (e)

Subsection (e)(1) states that the Bureau will “establish a deadline, not to exceed 30 days from the Bureau’s date of receipt of the notification, for the submission of the additional materials.” We have two questions. First, why isn’t a specific deadline included in the regulation? Second, how will the applicant be notified of the deadline for submission of the additional material? We recommend that that final-form regulation be amended to include a more precise time period for submitting the additional material that would apply to all applicants. If a specific timeframe is included in the regulation, our second question would be addressed.

Subsection (g)

Subsection (g) contains provisions for the appeal process. Subsection (g)(4) includes new language which ends with the following sentence: “The applicant has the burden to prove that the Bureau abused its discretion or acted arbitrarily in the reconsideration decision.” The basis for this placement of the burden of proof is unclear. This new language was not discussed in the Preamble. The Department needs to explain the foundation or it should consider deleting this sentence.

6. Section 125.9. Security requirements.—Reasonableness; Implementation procedures; Clarity.*Subsection (e)*

Subsection (e) states that the Bureau “may” consider reports submitted by the self-insurer and that the Bureau “is not required to accept or use” the reports when making decisions. This language does not establish a binding norm that could be equally applied to all self-insurers. What criteria will the Bureau use when deciding to accept or use a report? Will the self-insurer be notified of the Bureau’s decision to use or not use the information provided? We recommend that this provision either be deleted or written in a manner that specifies the criteria the Department will apply in determining whether to accept or use a report.

Subsections (f) and (g)

Similar to our concern with Subsection (e), we believe that Subsections (f) and (g) provide a great deal of discretion to the Bureau and not enough certainty to the regulated community. While we understand the need for some flexibility, regulations establish binding norms. Non-regulatory documents, such as Statements of Policy, would be a more appropriate vehicle for the type of flexibility found in Subsections (f) and (g). We recommend that both subsections be amended to provide a greater degree of certainty to the regulated community.

Subsection (j)

Under Subsection (j), a commentator has suggested keeping the timeframe for phasing in additional security at three years rather than two years until the impact of the new rules are analyzed. We believe this a sound suggestion and recommend that the Department maintain the three-year period, or explain why two years is necessary.

Subsection (k)

The language being deleted addresses reduction and release of security on run-off accounts, but the new language only addresses release. Is it the Department’s intention to no longer grant requests for a reduction of security by a runoff self-insurer?

Subsection (m)

This subsection states that the “Bureau may revise the table in subsection (l) through publication of a notice in the *Pennsylvania Bulletin*, to assign security discount rates for revisions to the long-term credit or debt ratings of the outlined NRSROs or for the long-term credit or debt ratings of other NRSROs.” However, this would constitute amending an existing regulation while bypassing the normal rulemaking process. The Department needs to provide justification for making future amendments to the regulation without going through the formal rulemaking process. (Section 125.2. of the proposed regulation defines “NRSRO” as “a designated Nationally-recognized statistical rating organization of the United States Securities and Exchange Commission or its successor.”)

7. Section 125.10. Funding by public employers.—Fiscal impact; Implementation procedures; Clarity.*Fiscal impact*

A public employer has commented that replacing the trust fund concept with a “dedicated asset account” will be a financial burden to both the employer and taxpayers and that it will not improve the security of future payments to injured workers. What, if any, fiscal impact will this change have on public employers?

Subsection (a)

The phrase “dedicated asset account” is used throughout this section, but it is not defined. We suggest that the final-form regulation include a definition for this term, under Section 125.2, pertaining to definitions.

Subsection (d)

Subsection (d)(3) states, “For good cause shown” an active self-insurer may be allowed to phase in compliance with the required funding amount “within a time period prescribed by the Bureau.” Similar to our concern with Section 125.9 (e), (f) and (g), this subsection does not establish a binding norm. We suggest that it be amended to provide more specific detail on what is considered “good cause” and how long the phase-in period for compliance will be.

The phrase “or at a later date agreed to by the Bureau” found under Subsection (d)(4) is vague. Under what circumstances would a self-insurer and the Bureau agree to this exception to the 120-day requirement found in this subsection? The final-form regulation should include more detail on how the process of requesting additional time will work and how the Bureau will make its decision on the request.

8. Section 125.11. Excess insurance.—Implementation procedures; Clarity.

Regarding Subsection (a), a commentator has stated that it is unable to fully assess the potential impact of the proposed excess insurance amendments on premium expenses because the language of this subsection is unclear. The language in question states, “. . . a liability limit acceptable to the Bureau to provide an adequate level of protection to cover the losses from a catastrophic event.” We agree that the language is unclear and fails to provide the necessary detail for compliance. The final-form regulation should include more specific language that could be applied uniformly to all members of the regulated community.

9. Section 125.12. Payment, handling and adjusting of claims.—Implementation procedures; Clarity.

Under Subsection (c), how much time will a self-insurer have to notify the Bureau when it makes the changes referenced in this subsection? How will the Bureau notify the self-insurer of what the timeframe for submitting requested information is? We recommend that the final-form regulation include language to answer both of these questions.

10. Section 125.13. Special funds assessments.—Fiscal impact; Need; Reasonableness;

Concerning Subsection (a)(5), one commentator objected to an additional assessment being placed on self-insurers for the “Uninsured Employers Guaranty Fund.” This fund was established by Act 147 of 2006. However, its application to self-insured employers and their employees is unclear. The Department should explain its rationale for this amendment.

11. Section 125.16. Reporting by runoff self-insurer.—Implementation procedures; Clarity.

As with a previous provision in Section 125.3(c)(8)(iii), Subsection (b) will require self-insurers to use a new electronic format to file a report. It includes references to “the Bureau’s instructions.” The final-form regulation should specify where and how self-insurers can access the instructions and the electronic format.

12. Section 125.17. Claims service companies.—Reasonableness; Implementation procedures.

This section is being amended to set forth the continuing obligation of claims service companies to assist the self-insurer and the Bureau in providing data and information on the self-insurer’s claim serviced by that company. We have two issues. First, if a claims service company is no longer working for or with a self-insurer, how will the Department enforce the provisions of this section? Second, the first sentence in Subsection (d) includes this phrase: “A claims services company . . . shall provide reasonable assistance to the self-insurer and the Bureau. . . .” The use of the word “reasonable” in this context is unclear. What criteria will the Department use to determine if the assistance is reasonable?”

13. Section 125.19. Additional powers of Bureau and orders to show cause.—Implementation procedures; Clarity.

Under Subsection (b), what does the phrase “unreasonably failing to pay compensation” mean? The final-form regulation should include more specific language on how it will determine if a self-insurer acted in an unreasonable manner as it pertains to payment of compensation.

14. General.—Need; Clarity.

Evidence of the coverage

The phrase “evidence of the coverage” or similar phraseology is used in the following subsections:

- 125.6(c)(1)(iv).
- 125.6(d).
- 125.6(f)(1)(ii).
- 125.6(f)(2).
- 125.9(b)(1)(iii).
- 125.9(b)(2)(iii)—evidence of the standby arrangement.
- 125.9(b)(3)(iv)—evidence of the standby arrangement.

- 125.9(k)(2)—evidence acceptable to the Bureau.
- 125.19(a)(3).

This phrase is unclear and lacks specificity. For each subsection noted above, the Department should specify the type of evidence that would be acceptable.

Forms

Several sections refer to the “prescribed form” or “form prescribed by the Bureau.” Samples of these sections include: Sections 125.3(a), 125.3(c)(6), 125.3(c)(7), 125.4(a), 125.8(b)(1) and 125.16(a). The Department needs to provide direction in the final-form regulation for how applicants can access or obtain copies of these forms.

**State Board of Accountancy
Regulation #16A-5512 (IRRC #2759)**

Biennial Renewal Fees

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Accountancy (Board) to respond to all comments received from us or any other source.

Issues relating to the criteria of Fiscal impact; Need; and Reasonableness.

The CPA Law states, in part,

... If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation, subject to review in accordance with the “Regulatory Review Act,” such that the projected revenues will meet or exceed projected expenditures.”

63 P. S. § 9.6(a) The Board is proposing fee increases that take effect with the January 1, 2010 biennial renewal. In the rulemaking submittal, the Board provided supporting documentation, including projections of revenues and expenditures.

House Professional Licensure Committee (Committee)

On June 16, 2009, the Committee voted to comment on this regulation. The Committee raised the following concerns:

- The Board should explain the rationale for increasing the biennial renewal fee by 122% for certified public accountants and by 25% for continuing education sponsors when other fees are not being increased.

- The Board should explain how it will maintain the projected revenue since the number of public accountants renewing licenses declines.

- The Board should explain its major cost centers and any significant increases in expenditures.

- The Board should explain its failure to increase fees for 18 years.

Pennsylvania Institute of Certified Public Accountants (PICPA)

PICPA commented, stating it is not clear in the documentation provided by the Board which programs and Board functions the fee increase addresses. PICPA be-

lieves that the Board's transition to electronic renewal and an electronic newsletter should save costs. PICPA asks the Board to more clearly articulate the need for the fee increases. We will review the Board's responses to the Committee's and PICPA's comments as part of our determination of whether the final regulation is in the public interest.

—
**State Board of Funeral Directors
 Regulation #16A-4818 (IRRC #2760)**

Continuing Education Enforcement

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Funeral Directors (Board) to respond to all comments received from us or any other source.

1. Consistency between Sections 13.321 and 13.401.—Clarity.

House Professional Licensure Committee

On June 16, 2009, the House Professional Licensure Committee (Committee) voted to submit comments on this regulation. The Committee suggested clarifying the language in Sections 13.231 relating to license renewal and Subsection 13.401(d) relating to a 6 month period to make up a deficiency in continuing education credits. These provisions appear to be inconsistent as one section states that the Board will not grant a licensee's application for renewal unless the continuing education requirements are complete, while the other section allows the licensee to make up a deficiency within 6 months of the end of the expired biennial renewal period. The Committee also requests information on how the Board will monitor the 6 month grace period. We agree that the language of these sections needs to be clarified to reflect the Board's intent. We will review the Board's responses to the Committee's comments as part of our determination of whether the final regulation is in the public interest.

Status of license and penalties during the 6 month make up period

Related to the Committee's concern, the Board should explain the status of a license between the end of a biennial period when a license would expire and the point in time a licensee provides satisfactory proof of attendance at continuing education courses.

Additionally, the Board should explain how it will implement the penalties described in Subsection 13.401(d) during the 6 month make up period. Will the Board immediately impose the discipline and civil penalties on the licensee or will the Board delay imposing them pending completion of credit hours during the 6 month make up period?

2. Section 13.401. Credit hour requirements.—Clarity.

Six month period to make up a deficiency

The third sentence of Subsection (d) states:

Within 6 months after the end of the renewal period during which the required amount of continuing education was not completed, the licensee shall make up the deficiency and shall provide proof of atten-

dance at continuing education courses *during the previous biennial registration period* as required under § 13.402 (relating to reporting completion of continuing education). (Emphasis added.)

As written, this sentence lacks clarity. It makes sense for a licensee to make up a deficiency and provide proof of attendance. However, the phrase "during the previous biennial registration" misplaces the time period of when the licensee makes up the deficiency. The Board should review and amend this sentence as appropriate.

"Or this chapter"

The first sentence of Subsection (d) states "Unless otherwise excused as authorized under the act or this chapter. . . ." We did not find a provision that specifically authorized excuse from continuing education in Chapter 13 of the Board's regulations (that is, "this chapter"). The Board should review this sentence and either add a cross-reference to the specific provision in Chapter 13 or delete the phrase "or this chapter."

—
**Department of State
 Regulation #16-47 (IRRC #2761)**

**Schedule of Civil Penalties—Funeral Directors and
 Funeral Establishments**

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of State (Department) to respond to all comments received from us or any other source.

1. Section 43b.6. Schedule of civil penalties—funeral directors and funeral establishments.—Reasonableness.

This regulation establishes civil penalties for funeral directors' failure to attain the requisite continuing education credits.

The regulation states that the penalty for the first offense will be: "\$175 per hour of deficiency. . . ." The House Professional Licensure Committee asked the Department for an explanation for the amount of the first offense fine. How did the Department determine that \$175 was a reasonable amount?

—
**State Registration Board for Professional
 Engineers,**

**Land Surveyors and Geologists
 Regulation #16A-4710 (IRRC #2762)**

Continuing Education

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) to respond to all comments received from us or any other source.

1. Fiscal impact; paperwork requirements.

The Preamble states that the rulemaking should not have an adverse fiscal impact and will not impose additional paperwork requirements on the Commonwealth or the private sector. This statement appears to conflict with the Board's own analysis provided in responses to questions 17 and 27 of the Regulatory Analysis Form. In response to question 17, concerning costs to the regulated community, the Board estimates that each of the approximately 37,200 licensees affected by the proposed regulation will have to spend up to \$1,000 to pay the tuition costs associated with completing the biennial continuing education requirements for a total of \$18,600,000 per year. In its response to question 27 pertaining to additional reporting, recordkeeping or other paperwork, the Board notes that licensees will have to keep proof of completion of continuing education requirements for 5 years and the Board will audit a percentage of licensees for compliance. The Preamble to the final-form regulation should include a detailed description of the fiscal impact of and recordkeeping requirements imposed by the regulation.

2. Implementation procedures.

The Board anticipates that licensees will be required to comply with this rulemaking beginning in September of 2009. If this rulemaking is not completed by September of 2009, will the Board modify the compliance date? If so, will the revised compliance date be the first full biennial renewal period after publication of the final-form regulation?

3. Section 37.1. Definitions.—Reasonableness; Clarity.

"Hour of continuing education" is defined as "Sixty minutes of actual instruction in an approved course of continuing education." Commentators have stated that the more accepted standard is 50 minutes, not 60 minutes. We note that several of the business related boards that fall under the jurisdiction of the Department of State's Bureau of Professional and Occupational Affairs define continuing education hours as 50 minutes. Has the Board considered defining an hour of continuing education as 50 minutes instead of 60 minutes? If not, why?

4. Section 37.19. Biennial renewal of licensure status.—Reasonableness; Clarity.

Subsection (c)(4) requires licensees to disclose any "criminal charges" when they are renewing their licenses. Does the term "criminal charges" include misdemeanors and summary offenses? We suggest that the final-form regulation include more specific language on what must be disclosed to the Board.

5. Section 37.111. Credit hour requirements.—Need; Reasonableness; Clarity.

Subsection (b)

Under this subsection, what is the need for the phrase "or as directed by the Board" and how will the Board implement this provision? If the phrase is not needed, it should be deleted. If it is needed, the regulation should include more detail on how it will administer this provision. Further, the Board should justify its authority for this language.

Subsection (d)

This subsection provides for a 6-month period for licensees to make up deficiencies in continuing education credits for the previous biennial renewal cycle. The Board should explain the status of a license between the end of

a biennial period when a license would expire and the point in time a licensee provides satisfactory proof of attendance at continuing education courses.

Additionally, the Board should explain how it will implement penalties during the 6-month make up period. Will the Board immediately impose the discipline and civil penalties on the licensee or will the Board delay imposing them pending completion of credit hours during the 6 month make up period?

Subsection (e)

Licensees seeking a waiver under Section 4.5(c) of the Act may do so under this subsection. Section 4.5(c) of the Act pertains to waivers for serious illness, military service or other demonstrated hardship. We recommend that this subsection of the regulation be amended to alert the regulated community that waivers relate to serious illness, military service and demonstrated hardships.

6. Section 37.112. Reporting completion of continuing education.—Clarity.

What is meant by the phrase "certified continuing education record"? Who certifies the record? We note that this phrase is also used in § 37.115(e)(6), pertaining to approval of continuing education courses upon application. This phrase should be defined in the final-form regulation.

7. Section 37.114. Approval of continuing education courses.—Clarity.

A commentator has suggested that the regulation specifically state that licensees can take advantage of on-line and distance learning to meet their continuing education requirements. Will these types of continuing education be allowed? If so, what number of credits could be earned via these two methods? The final-form regulation should clarify the Board's position with regard to on-line and distance learning.

8. Section 37.115. Approval of continuing education courses upon application.—Clarity.

Subsection (a)

This subsection references "forms provided by the Board." The final-form regulation should specify where these forms are available, such as the Board's web site.

Subsection (f)

This subsection requires the Board to maintain a list of approved courses "in a form accessible to licensees and the public." We suggest that one method of accessing the information be the Board's website and recommend that this provision be amended to reflect that fact. Any other means of access to the list should also be included in the regulation.

Subsection (g)

The process to be used by a licensee seeking approval of continuing education course is the addressed under this subsection. How will the Board administer the last sentence of this subsection, which states, "The Board will not collect more than one fee from attendees for review of applications for approval of the same course"?

9. Miscellaneous clarity.

- The statutory authority cited in the Preamble contains typographical errors. The Board should ensure that the statutory citations included in the final-form submital are accurate.

- Under the definition of “practice building” under § 37.1, we recommend that Subsection (i) be amended to be gender-neutral.

- We recommend that § 37.111(c)(1) and (c)(2) be combined to improve clarity.

- Subsection 37.115(c) references § 37.115(f). The reference should be to § 37.115(e).

State Board of Psychology
Regulation #16A-6315 (IRRC #2763)

Qualifications

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Psychology (Board) to respond to all comments received from us or any other source.

1. Section 41.1. Definitions.—Reasonableness; Need; Clarity.

Delegated supervisor

The definition includes the term “licensed health professional,” which is undefined. What licensees are included in this term? The term “health professional” is unclear and could include a number of different professions. This term is used in different ways in existing provisions. For example, 49 Pa. Code § 40.53(f) refers to a “physical therapist” or “another health professional.” In a different set of existing regulations at 28 Pa. Code § 1001.2, the term “health professional” is defined as a “physician” or “registered nurse.” In addition, the phrase “who possesses special expertise or skills” is vague and may be unnecessary. How will the Board determine that a delegated supervisor meets the Board’s definition and standards for this position? How will psychology residents know that their “supervised experience” meets the Board’s standards and requirements? The Board should define “licensed health professional” or describe what type of professional can be a “delegated supervisor.” The Board should also clarify “who possesses special expertise or skills” or delete this phrase.

Psychology resident

The language at the end of this definition refers to Section 41.31(b)(4). The proposed regulation changes the numbering of this section to Section 41.31(4). The Board should review this language to ensure that it has the correct reference in the final-form regulation.

2. Section 41.30. Qualifications and documentation necessary for licensure.—Reasonableness; Implementation procedure; Consistency with other statutes and regulations; Clarity.

Subsections (b)(2) and (3) require an applicant for licensure to submit a “criminal background check” and “Child Abuse History Clearance” respectively. We have questions or concerns in three areas.

First, existing regulations and statutes in Pennsylvania refer to a “criminal background check” as a “criminal history record information” or CHRI report. See the Criminal History Record Information Act (18 Pa.C.S.A. §§ 9101—9183), 37 Pa. Code Chapter 195 and 22

Pa. Code Chapter 701. The final-form regulation should use a term which is consistent with the statute and other regulations.

Second, the House Professional Licensure Committee (House Committee) submitted comments dated June 9, 2009, expressing concerns with background checks for out-of-state applicants. For these applicants, Subsection (b)(2) requires that “the background check shall be completed by the applicable law enforcement agency in the jurisdiction where the applicant resides.”

It is unclear if the term “jurisdiction” is intended to refer to a municipal, state or national government. Other existing regulations require out-of-state applicants to obtain criminal record checks from the Federal Bureau of Investigation (FBI). See 22 Pa. Code § 701.11 and 55 Pa. Code § 6000.22. Such a national check may provide a greater safeguard if an applicant moved frequently from state to state.

A national background check may also be required by law for every applicant regardless of residency. The Office of Children, Youth and Families in the Department of Public Welfare (Department) published a bulletin (# 3490-08-03) on June 27, 2008, which includes the following statement:

Act 179 of 2006 amended § 6344.2 of the CPSL to state that prospective employees applying to engage in occupations with a significant likelihood of regular contact with children, in the form of care, guidance, supervision or training must obtain background checks as a condition of employment. These individuals, including but not limited to social service workers, psychiatrists, hospital personnel, counselors and therapists, librarians and doctors, will be required as of July 1, 2008 to obtain an FBI criminal history background check along with their PSP [State Police] criminal history background check and Pennsylvania child abuse background check as a condition of initial employment.

www.dpw.state.pa.us/ServicesPrograms/CashAsstEmployment/003673169.aspx?BulletinId=4362 (page 7)

According to 23 Pa.C.S. § 6344.2(a), this new law applies to several types of occupations including “mental health professionals.” The Department’s web site includes a link for initiating an application for an FBI criminal history background check at www.pa.cogentid.com/dpw. The Board should review this information and clarify the legal requirements that apply to applicants and licensees.

Third, Subsection (b)(3) requires an applicant to submit “Child Abuse History Clearance completed by the Pennsylvania Department of Public Welfare dated within 6 months of the application.” Information about “Pennsylvania Child Abuse History Clearance Forms” is available at the web site for the Department at www.dpw.state.pa.us/servicesprograms/childwelfare/003671038.htm. This site also includes a link for a form to request CHRI report from the State Police. As noted in the Preamble, one may apply for a CHRI report on the Internet. In addition to these links and those listed in the Preamble, one may apply for a CHRI report by means of the web site of the Pennsylvania State Police (State Police) at www.psp.state.pa.us, and specifically at www.portal.state.pa.us/portal/server.pt?open=512&objID=4451&&PageID=458621&level=2&css=L2&mode=2. The second link allows a person to apply for a copy of her or his CHRI report online or by means of a paper form.

Even though the Preamble includes links for online access with the Department and State Police, the regula-

tion is silent on the availability of this information. The final-form regulation should also inform applicants that such information is available on the Internet.

3. Section 41.31. Educational qualifications.—Clarity.

The House Committee noted two errors in the text which occurred in the Board's reorganization of education and examination provisions into two separate sections. In the proposed regulation, Sections 41.31(4) and (5) retain existing language that refers to "subsection (a)(1)." However, the language in the existing Subsection (a)(1) has been moved to Section 41.41(c) by the proposed regulation. Hence, the referrals to Subsection (a)(1) in both Sections 41.31(4) and (5) need to be corrected to refer to Section 41.41(c) in the final-form regulation.

4. Section 41.32. Experience qualifications.—Reasonableness; Need; Duplication; Implementation procedure; Clarity.

Statutory requirement for 2 years of experience

The first sentence of this section states: "To meet the experience requirements for licensure under section 6 of the act (63 P. S. § 1206), an applicant shall complete 1 year of acceptable postdoctoral supervised experience." However, along with the other requirements for licensure, Section 6(a)(2) of the Professional Psychologists Practice Act (63 P. S. § 1206(a)(2)) declares that an applicant must submit "proof satisfactory to the board" that the applicant has the required doctoral degree from an accredited institution and "has not less than 2 years of supervised experience, at least one of which was obtained subsequent to the granting of the doctoral degree, provided that such experience is acceptable to the board pursuant to criteria established by board regulations."

In the Preamble, the Board states that it is eliminating the existing provisions for "predoctoral experience" because it is part of the internship governed by the doctoral degree program necessary for graduation. By means of an earlier rulemaking (# 16A-6313(# 2422)) published in the *Pennsylvania Bulletin* at 36 Pa.B. 2680 (June 3, 2006), the Board removed provisions that required it to review specific doctoral education programs or internships. It now considers only whether the program is accredited or designated.

It is unclear how the applicant will satisfy the statutory requirement. Is the possession of a doctoral degree sufficient proof that the applicant already has at least one year of supervised experience? What is the assurance that each doctoral program requires an internship or supervised experience that is at least one year in length to earn the degree? Is proof of one year of postdoctoral supervised experience sufficient to meet the statutory requirement?

Experience requirements for licensure and supervisor qualifications

This section includes experience provisions, some of which were originally in Section 41.31, and provisions for supervisors, which had been the primary focus of Section 41.32. Although separating experience requirements from the education provisions may have produced some additional clarity, combining the experience provisions with the extensive standards and requirements for supervisors is confusing. We suggest that the Board consider separating the experience requirements into a new section while maintaining the supervisor provisions in their own section.

Paragraph (1) Timing.

Subparagraph (1)(iii) requires that 50 percent of the total hours for supervised experience must be obtained by means of actual practice or work in a treatment or clinical setting. It adds the following:

The remaining required hours may be obtained by teaching in association with an organized psychology program preparing practicing psychologists or a postdoctoral training program, psychological research or any of the above categories.

The Pennsylvania Psychological Association (PPA) expressed concern with the clarity of this language in its comments dated May 28, 2009. It is unclear whether the supervised teaching experience includes work as an instructor in postdoctoral, graduate and undergraduate programs. The language could be read to limit the teaching experience hours to postdoctoral or continuing education programs. In addition, what "categories" are included in the phrase "or any of the above categories"? The Board needs to clarify its intent in the final-form regulation.

The requirement that 50% of the total hours be obtained in actual practice, treatment or clinical settings is the same as in the existing regulations. The Pennsylvania Osteopathic Medical Association (POMA) in its letter dated May 19, 2009, suggests that this requirement be increased to 75% to ensure the necessary skills for patient care. The Board should review this requirement and explain the basis and justification for its 50% requirement.

Paragraph (1)(iv) states that the total postdoctoral experience "must be obtained within 10 calendar years of the application for licensure" and adds that at least half must occur within the most recent five years. POMA expressed concern with this provision since the stated intent of the proposed rulemaking is to allow applicants to take the licensing examination immediately upon graduation and before completing the required year of postdoctoral experience. POMA contends that ten years "is a long time" unless there is an annual continuing education to show that applicants are keeping current in their field. POMA avers that "many changes can occur" over ten years. The Board should explain the basis for the 10-year time period and review the possible need for a process to verify that psychology residents are staying current with new research and information in the field.

Paragraph (3) Supervision.

The House Committee expressed concern with the limitation in Subparagraph (3)(ii) that the primary supervisor could only delegate one hour of supervision per week to a "delegated supervisor." The Board should review this rule and either explain the need for the limitation, or provide for flexibility in the final-form regulation.

Subparagraph (3)(iii)(D) states that primary and delegated supervisors must "review issues of practice and ethics with the psychology resident." Subparagraph (3)(v)(L) repeats the same language in a list entitled "additional responsibilities of primary supervisors." Is this duplication necessary?

Subparagraph (3)(iv)(E) uses the term "active discipline" in referring to a situation when action is taken by a licensure board concerning a supervisor. This provision states that the supervisor should immediately notify the psychology resident and assist the resident in finding a new supervisor. The term "active discipline" is undefined,

and the House Committee raised several questions regarding this term, as well as the repercussions for the psychology resident and any impact on the number of hours accrued by the resident under the supervisor in fulfilling the experience requirement. The Board should clarify both its intent and this provision in the final-form regulation.

The PPA expressed opposition to the requirement in Subparagraph (3)(v)(A) that primary supervisors hold an active license for at least two years before becoming supervisors. PPA indicates that it knows of “no public policy argument that justifies this additional requirement.” Since such a requirement could reduce the number of supervisors available for residents or trainees, the Board should explain the need and rationale for this rule.

Subparagraphs 3(v)(F) and (v)(G) require that the supervisor observe or review certain activities of the psychology resident “on a regular basis,” and evaluate and apprise the psychology resident “in regularly scheduled supervisory meetings,” respectively. Terms such “regular” or “regularly” are vague. In the final-form regulation, the Board should provide some examples of whether “on a regular basis” and “regularly” means daily, weekly, bi-weekly, monthly or quarterly.

5. Section 41.41. Examinations.—Clarity.

Subsection (c) discusses a situation when an applicant “fails to report for both the first examination and the one subsequent to it.” It is unclear whether this refers to examinations offered on different dates, or to the different portions of the licensure examination as described in Subsection (b): the National Examination for Professional Practice in Psychology, and the Pennsylvania Psychology Law Examination. The intent of Subsection (c) should be clearly set forth in the final-form regulation.

6. General.—Clarity.

In the Preamble, the Board states it is removing the prohibition on applicants “taking the licensure examination until after completing their experience.” However, Section 41.11 in the Board’s existing regulations prescribes what an applicant needs to have in order to take the examination. It reads:

To be considered for admission to the examination provided in the act, an applicant shall first file with the Board or its designee:

- (1) A completed, notarized application form and the application fee.
- (2) Official transcripts of graduate work from an accredited college or university.
- (3) **Supervisory rating forms validating the applicant’s qualifying experience.**
- (4) Other forms or materials requested by the Board. (Emphasis added.)

The applicants are required to submit forms validating their supervised experience, yet they are still being required to complete some experience before taking the examination. The Board should be sure that all of its existing regulations are consistent with the intended goal of this proposed regulation.

Department of State
Regulation #16-43 (IRRC #2764)
Schedule of Civil Penalties—Engineers,
Land Surveyors and Geologists

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of State (Department) to respond to all comments received from us or any other source.

1. Section 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.—Reasonableness.

This regulation establishes civil penalties for engineers’, land surveyors’ and geologists’ failure to attain the requisite continuing education credits.

The regulation states that the penalty for the first offense will be: “\$50 per hour of deficiency. . . .” How did the Department determine that \$50 was a reasonable amount?

Pennsylvania Public Utility Commission
Regulation #57-266 (IRRC #2754)

Licensing Requirements for Natural Gas Suppliers

July 6, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the April 4, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Reduction in Security Requirements.—Reasonableness.

In its comments, the Retail Energy Supply Association (RESA) suggests that the regulation allow suppliers “to request a decrease in security requirements under certain conditions where it is apparent that there is a reduction in the risk of a supplier default.” RESA recommends specific criteria to be used in demonstrating the reduction of risk and a five-calendar day time limit within which the natural gas distribution company (NGDC) must make its decision. As proposed, the regulation does not address situations where the supplier’s risk of default is reduced. In that situation, is there an existing process by which the supplier can seek decreased security requirements? If so, that process should be identified in the regulation. If not, the PUC should consider including such a process in the final-form regulation.

2. Section 62.111. Bonds or other security.—Implementation procedures; Reasonableness; Clarity.

“Significant changes”

Subsections (c)(1)(ii)(A) and (B) add the term “changes.” We note that Subsection (C) also includes this phrase, but also defines it in that subsection. The PUC should define this term for each subsection or clearly explain what types of changes would be considered “significant.”

“Materially affects”

Subsections (c)(1)(ii)(A), (B) and (E) add the phrase “materially affects.” The final-form regulation should define this term or include the criteria to be used in each instance to determine if there is a “material” effect.

Volume vs. Number of Customers

Commentators representing NGDCs assert that Subsection (c)(1)(ii)(C) is flawed because the potential impact of a natural gas supplier (NGS) default is not necessarily related solely to the number of customers, but rather the volume of gas that the NGS is responsible for bringing to the system and the volume of gas used by the customers. They further state that this subsection should be changed to reflect the importance of volumetric concerns over a basic number of customers. We agree and recommend that the PUC add a criterion related to the volume of natural gas delivered or consumed. In making this addition, the PUC should specify the percentage change in volume that could trigger an adjustment to the amount of security required.

Accounts Receivables

Commentators have also expressed concerns with Subsection (c)(2)(v), which allows accounts receivables pledged to the NGDC or sold by a supplier participating in a NGDC purchase of receivables program to be used as security. Some commentators assert that something sold by an NGS cannot subsequently be used as equity. Others comment that receivables cannot quickly be converted to cash and consequently should not be eligible for use as a security or should not be used alone as an acceptable form of security. In the preamble to the final-form regulation, the PUC needs to provide further justification for including accounts receivable as acceptable security.

Dispute Resolution

Subsection (c)(6) addresses dispute resolution. Several commentators noted that the regulation does not address the NGS’s responsibilities to customers during the dispute resolution process. In the final-form regulation, the PUC should clarify the responsibilities of all parties during the pendency of the dispute.

Environmental Quality Board
Regulation #7-428 (IRRC #2755)

Adhesives, Sealants, Primers and Solvents

July 8, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the April 4, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Implementation date.—Implementation procedures; Reasonableness.

Numerous subsections within this proposed regulation include a compliance date of April 15, 2010. Because the Board does not know exactly when this regulation will officially be promulgated, it should consider replacing this date with a reference to a specific amount of time after the effective date of the regulation.

Further, commentators are concerned that they will not have enough time to design, build, install, test and obtain permit approvals for add-on pollution control devices or

new products that meet the requirements of this regulation. They further assert that 2 years is an appropriate amount of time to accomplish these things. We agree that the proposed compliance date could be difficult for the regulated community to meet. The Board should consider amending the final-form regulation to allow the industry to have 2 years from the effective date of the regulation to make the appropriate changes to their operations.

2. Section 121.1. Definitions.—Reasonableness; Clarity.*Metal to urethane/rubber molding or casting adhesive*

Commentators assert that this definition is unclear for two reasons. First, they state that the term “heater” should actually be “heated.” Second, they contend that the qualifier at the end of the definition is confusing because the regulated community may assume that it only applies to printing supplies because it only mentions items related to printing. The Board should clarify this definition in the final-form regulation.

Fiberglass

This proposed definition includes an editor’s note that a definition of this term was also included in a previous proposed rulemaking. It states: “the later of these two rulemakings to be published as a final rulemaking will include both definitions.” Will there be two definitions for “fiberglass”? If so, the Board should make it clear where each definition applies. If the Board’s intent is to have only one definition, it should place the singular definition in one location or ensure that the two definitions are verbatim.

3. Section 129.77. Control of emissions from the use or application of adhesives, sealants, primers and solvents.—Statutory authority; Clarity.*Subsection (i)*

This subsection states that a person cannot require the use of a material that would result in a violation of this regulation. It further states that this prohibition applies to “all written or oral contracts” under which any of these materials would be used. Does the Board intend to apply this provision retroactively to existing contracts? If so, it should clearly outline its authority to do so. If not, this provision should be clarified to state that it will be applied prospectively. A similar concern applies to Section 130.702(g).

Subsection (l)(4)

Under this subsection, how would the owner/operator record and maintain records that would satisfy the requirements in the last sentence? A similar concern applies to Subsections (n) and (o) and 130.703(b)(4), (e) and (f). The final-form regulation needs to more explicitly set forth the recordkeeping requirements in these subsections.

Subsection (r)(1)

Subsection (r)(1) states that all compliance records should be “maintained” for at least 5 years. Can these records be electronic or paper copies? The final-form regulation should indicate in what format these records must be maintained.

Subsection (r)(2)

Subsection (r)(2) requires these records to be made available to the Department of Environmental Protection “upon request.” Will these requests be made orally or in writing? The final-form regulation should indicate in what format the requests will be made.

4. Section 130.702. Emissions standards.—Clarity.

A commentator suggests that the Board amend subsection (b) to include language that states that use and application of products manufactured after the effective date is prohibited, which would make it consistent with Subsection (a). To improve clarity, the Board should make the recommended change to the final-form regulation.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1299. Filed for public inspection July 17, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
17-75	Municipal Police Officers' Education and Training Commission	7/1/09	8/6/09
	Retired Law Enforcement Officers Identification and Qualifications Cards		
7-404	Environmental Quality Board	7/2/09	8/6/09
	Bluff Recession and Setback		

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1300. Filed for public inspection July 17, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT**Application for Approval to Acquire Control of Lincoln General Insurance Company**

Joseph Stilwell has filed an application for approval to acquire control of Lincoln General Insurance Company, a Pennsylvania domiciled stock property insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1402—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone

number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1301. Filed for public inspection July 17, 2009, 9:00 a.m.]

Application for Approval of a Proposed Merger: Nationwide Life Insurance Company of America With and Into Nationwide Life Insurance Company

Nationwide Life Insurance Company of America, a stock life insurance company organized under the laws of the Commonwealth of Pennsylvania, has filed an application for approval to merge with Nationwide Life Insurance Company, an Ohio domiciled stock life insurance company, with Nationwide Life Insurance Company surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413); Business Corporation Law (15 Pa.C.S. §§ 1921—1932); and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21404).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1302. Filed for public inspection July 17, 2009, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Cranberry Place

Cranberry Place has applied for a Certificate of Authority to operate two Continuing Care Retirement Communities at Cumberland Crossing Manor in Pittsburgh, PA and at Cumberland Woods Village in Allison Park, PA. The initial filing was received on July 1, 2009, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of 1984 (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1303. Filed for public inspection July 17, 2009, 9:00 a.m.]

Pennsylvania 2008 Private Passenger Automobile Data Call (Act 6 Data Call)

Each year, the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On July 2, 2009, the Department sent notification of Data Calls to be completed by companies who are licensed to write private passenger automobile insurance in this Commonwealth. Persons will receive only a cover letter by means of the United States Postal Service. The 2008 Data Call letter, instructions, and data formats are available on the Department's web site www.ins.state.pa.us.

Companies with Pennsylvania private passenger automobile direct written premium in 2008 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Insurance Department no later than October 15, 2009.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2008 are required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2009.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Bojan Zorkic, Insurance Department, Office of Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail: bzorkic@state.pa.us or telephone: (717) 787-6968).

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1304. Filed for public inspection July 17, 2009, 9:00 a.m.]

Andres A. Ramos; Prehearing

Appeal of Andres A. Ramos, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-025

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 July 23, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 3, 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 August 20, 2009. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 18, 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 August 5, 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 19, 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. 09-1305. Filed for public inspection July 17, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual 230.1—Commonwealth Travel Procedures Manual, Dated June 17, 2009.

Management Directive No. 230.10—Commonwealth Travel Policy, Amended June 17, 2009.

Management Directive No. 305.11—Depositing Checks, Money Orders and Cash, Amended May 22, 2009.

Management Directive No. 310.29—Using Value (Service) Date in SAP, Amended June 10, 2009.

Administrative Circular No. 09-10—Closing Instruction No. 4, 2008-09 Fiscal Year; Funds Blocking/Lapse Transactions and Reporting Deadlines, Dated June 19, 2009.

Administrative Circular No. 09-11—Closing Instruction No. 5, 2008-09 Fiscal Year; Year-End Processing Deadlines, Dated June 19, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 09-1306. Filed for public inspection July 17, 2009, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

The Wireless E-911 State Plan

Under 35 P. S. § 7021.2 (relating to powers and duties of the agency), the Pennsylvania Emergency Management Agency (Agency) gives notice that the Statewide Wireless E-911 Plan (E-911 Plan) providing for all aspects of the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order has been amended after adequate public notice and opportunity to comment and after consideration of the recommendations of the wireless subcommittee of the advisory committee.

In accordance with 35 P. S. § 7021.2(b), a notice of the amended Plan was published in the *Pennsylvania Bulletin* at 39 Pa.B. 2423 (May 9, 2009) as a public notice and provided for a 30 day comment period. The Agency did not receive comments within the allotted comment period and adopted the amended Plan after consideration of the recommendations of the wireless subcommittee of the advisory committee.

The E-911 Plan is on file with the Agency. Persons may receive a copy of the E-911 State Plan by requesting a copy from the Pennsylvania Emergency Management Agency, Bureau of 9-1-1 Programs, 2605 Interstate Drive, Harrisburg, PA 17110, (717) 651-2001, fax (717) 651-2040, or rwentzel@state.pa.us.

ROBERT P. FRENCH,
Director

[Pa.B. Doc. No. 09-1307. Filed for public inspection July 17, 2009, 9:00 a.m.]

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Interest Rates and Participation Rates

At its July 1, 2009, meeting, the Board of the Pennsylvania Industrial Development Authority (PIDA) adopted new project participation rates and interest rates based upon the most recent unemployment statistics provided by the Department of Labor and Industry.

The Board also decided to establish interest rates quarterly using the most recent weekly average of the 10-year Treasury rate as a benchmark. Interest rates will be reset quarterly, on July 1, October 1, January 1 and April 1, in accordance with the criteria set forth as follows, and will be published on the Department of Community and Economic Development's web site, newPA.com.

The interest rate will be set at a rate equal to the 10-year treasury rate, rounded to the closest quarter point (designated in the attached schedule as "10 Year TR"), for projects located in critical economic areas with an unemployment rate that equals or exceeds the statewide average unemployment rate, for projects in any critical economic area that are designated by PIDA as "advanced tech projects," and for projects located in the following targeted areas:

- Enterprise Zones
- Keystone Opportunity Expansion Zones
- Keystone Opportunity Improvement Zones
- Federal Empowerment Zones
- Financially Distressed Municipalities under Act 47
- Keystone Opportunity Zones
- Brownfield Sites
- Federal Enterprise Communities
- Keystone Innovation Zones

The interest rate will be set at a rate equal to the 10-year treasury rate plus 1 percentage point, rounded to the closest quarter point (designated in the attached schedule as "10 Year TR+1"), for projects located in critical economic areas with an unemployment rate that is less than the Statewide average unemployment rate and which would not otherwise qualify for the lower rate.

Attached is the PIDA participation and interest rate schedule for each critical economic area of the Commonwealth under the previous interest rate schedule, based upon the most recent applicable unemployment statistics.

For the calendar quarter beginning July 1, 2009, the 10 Year TR rate is 3.75% and the 10 Year TR+1 rate is 4.75%.

Note: Loan applications are subject to the schedule of interest rates in effect at the time the application is received by PIDA, provided that the application is presented to the PIDA Board (Board) for consideration at theB meeting for which the application was timely submitted or the next two subsequent Board meetings. Any loan application that is deferred beyond the period shall be subject to the schedule of interest rates in effect on the date of the Board meeting at which the application is considered, regardless of when the application was originally submitted.

DENNIS YABLONSKY,
Chairperson

**PIDA
PIDA Participation and Interest Rates
for Counties and Municipalities*
Over 25,000 Population**

	<i>Maximum PIDA Participation</i>		<i>Interest Rate** %</i>		<i>Maximum PIDA Participation</i>		<i>Interest Rate** %</i>
	(S)	(L)			(S)	(L)	
ADAMS	50	30 * * * *	10 Year TR +1	JEFFERSON	60	50	10 Year TR
ALLEGHENY	50	30 * * * *	10 Year TR +1	JUNIATA	60	50	10 Year TR
McKeesport City	60	50	10 Year TR	LACKAWANNA	60	50	10 Year TR
ARMSTRONG	60	50	10 Year TR	LANCASTER	50	30 * * * *	10 Year TR +1
BEAVER	60	50	10 Year TR	Lancaster City	70	60	10 Year TR
BEDFORD	70	60	10 Year TR	LAWRENCE	60	50	10 Year TR
BERKS	60	50	10 Year TR	New Castle City	70	60	10 Year TR
Reading City	70	60	10 Year TR	LEBANON	50	30 * * * *	10 Year TR +1
BLAIR	50	30 * * * *	10 Year TR +1	Lebanon City	60	50	10 Year TR
Altoona City	60	50	10 Year TR	LEHIGH	60	50	10 Year TR
BRADFORD	60	50	10 Year TR	Allentown City	70	60	10 Year TR
BUCKS	50	30 * * * *	10 Year TR +1	LUZERNE	60	50	10 Year TR
Bensalem	60	50	10 Year TR	Hazleton City	70	60	10 Year TR
Township				LYCOMING	60	50	10 Year TR
Bristol Township	60	50	10 Year TR	MCKEAN	70	60	10 Year TR
Warminster	60	50	10 Year TR	MERCER	70	60	10 Year TR
				MIFFLIN	70	60	10 Year TR
BUTLER	50	30 * * * *	10 Year TR +1	MONROE	60	50	10 Year TR
CAMBRIA	60	50	10 Year TR	MONTGOMERY	50	30 * * * *	10 Year TR +1
Johnstown City	70	60	10 Year TR	Norristown	60	50	10 Year TR
CAMERON	70	60	10 Year TR	Borough			
CARBON	70	60	10 Year TR	Pottstown	70	60	10 Year TR
CENTRE	40 * * *	30 * * * *	10 Year TR +1	Borough			
CHESTER	40 * * *	30 * * * *	10 Year TR +1	MONTOUR	50	30 * * * *	10 Year TR +1
CLARION	70	60	10 Year TR	NORTHAMPTON	60	50	10 Year TR
CLEARFIELD	70	60	10 Year TR	NORTHUMBERLAND	70	60	10 Year TR
CLINTON	60	50	10 Year TR	PERRY	50	30 * * * *	10 Year TR +1
COLUMBIA	60	50	10 Year TR	PHILADELPHIA	60	50	10 Year TR
CRAWFORD	60	50	10 Year TR	PIKE	70	60	10 Year TR
CUMBERLAND	50	30 * * * *	10 Year TR +1	POTTER	70	60	10 Year TR
DAUPHIN	50	30 * * * *	10 Year TR +1	SCHUYLKILL	70	60	10 Year TR
Harrisburg City	60	50	10 Year TR	SNYDER	60	50	10 Year TR
DELAWARE	50	30 * * * *	10 Year TR +1	SOMERSET	60	50	10 Year TR
Chester City	70	60	10 Year TR	SULLIVAN	60	50	10 Year TR
ELK	70	60	10 Year TR	SUSQUEHANNA	60	50	10 Year TR
ERIE	60	50	10 Year TR	TIOGA	70	60	10 Year TR
FAYETTE	60	50	10 Year TR	UNION	60	50	10 Year TR
FOREST	70	60	10 Year TR	VENANGO	60	50	10 Year TR
FRANKLIN	60	50	10 Year TR	WARREN	60	50	10 Year TR
FULTON	70	60	10 Year TR	WASHINGTON	50	30 * * * *	10 Year TR +1
GREENE	50	40 * * *	10 Year TR +1	WAYNE	60	50	10 Year TR
HUNTINGDON	70	60	10 Year TR	WESTMORELAND	60	50	10 Year TR
INDIANA	50	40 * * *	10 Year TR +1	WYOMING	60	50	10 Year TR
				YORK	50	30 * * * *	10 Year TR +1
				York City	70	60	10 Year TR

* Municipalities are listed only if PIDA rate differs from County rate.

(S) Small Business (Less than 50 existing employees, including parent, subsidiaries and affiliates).

(L) Large Business.

Special Note: Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47 (Over), Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Keystone Innovation Zones, Brownfield Sites and Companies Designated as Advanced Tech Firms will receive an interest rate of 3.75%.

Also, projects located in Keystone Innovation Zones are eligible to receive participation rates of up to 75% at the discretion of the PIDA board.

* * * 10% Equity required.

* * * * 20% Equity required.

[Pa.B. Doc. No. 09-1308. Filed for public inspection July 17, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Energy Efficiency and Conservation Plan

M-2009-2093215. Petition of PECO Energy Company for approval of its Energy Efficiency and Conservation Plan. Under the Pennsylvania Public Utility Commission's (Commission) Order, entered January 16, 2009, an answer along with comments and recommendations addressing the Energy Efficiency and Conservation Plan are to be filed within 20 days of the publication of the notice of the filing in the *Pennsylvania Bulletin*. Filings must be made with the Secretary of the Commission, P. O. Box 3265 Harrisburg, PA 17105-3265 with a copy served on the Petitioner and the Administrative Law Judge on or before August 7, 2009. The documents filed in support of the Petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Petitioner: PECO Energy

Through and By Counsel: Anthony E. Gay, PECO Energy Company, 2301 Market Street S23-1, P. O. Box 8699, Philadelphia, PA 19101-8699

The following is the initial prehearing conference notice in this proceeding. Petitions for Intervention should be filed with the Secretary and a copy served on the Administrative Law Judge on or before July 27, 2009.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Type: Initial Prehearing Conference
Date: July 27, 2009
Time: 9:30 a.m.

Location: Hearing Room 5
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge Marlane R. Chestnut
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Phone: (215) 560.2105
Fax: (215) 560.3133

Persons with a disability, who wish to attend the hearing, may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit your request.

If you require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit your request.

- Scheduling Office: (717) 787-1399

- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1309. Filed for public inspection July 17, 2009, 9:00 a.m.]

Energy Efficiency and Conservation Plan

M-2009-2093216. Petition of PPL Electric Utilities Corporation for approval of its Energy Efficiency and Conservation Plan. Under the Pennsylvania Public Utility Commission's (Commission) Order, entered January 16, 2009, an answer along with comments and recommendations addressing the Energy Efficiency and Conservation Plan are to be filed within 20 days of the publication of the notice of the filing in the *Pennsylvania Bulletin*. Filings must be made with the Secretary of the Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the Petitioner and the Administrative Law Judge on or before August 7, 2009. The documents filed in support of the Petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Petitioner: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, Two North Ninth Street, Allentown, PA 18101-1179.

The following is the initial prehearing conference notice in this proceeding. Petitions for Intervention should be filed with the Secretary and a copy served on the Administrative Law Judge on or before July 27, 2009.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Type: Initial Prehearing Conference
Date: Monday, July 27, 2009
Time: 1 p.m.
Location: Hearing Room 3
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Presiding: Administrative Law Judge Susan D. Colwell
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 Phone: (717) 783-5452
 Fax: (717) 787-0481

Persons with a disability, who wish to attend the hearing, may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit your request.

If you require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to your hearing to submit the request.

- Scheduling Office: (717) 787-1399 AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1310. Filed for public inspection July 17, 2009, 9:00 a.m.]

Energy Efficiency and Conservation Plan

M-2009-2093217. Petition of Duquesne Light Company for approval of its Energy Efficiency and Conservation Plan. Under the Pennsylvania Public Utility Commission's (Commission) Order, entered January 16, 2009, an answer along with comments and recommendations addressing the Energy Efficiency and Conservation Plan are to be filed within 20 days of the publication of the notice of the filing in the *Pennsylvania Bulletin*. Filings must be made with the Secretary of the Commission, P. O. Box 3265 Harrisburg, PA 17105-3265 with a copy served on the Petitioner and the Administrative Law Judge on or before August 7, 2009. The documents filed in support of the Petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Petitioner: Duquesne Light Company

Through and By Counsel: Kelly L. Geer, 411 Seventh Avenue 16-1, Pittsburgh, PA 15219.

The following is the initial prehearing conference notice in this proceeding. Petitions for Intervention should be filed with the Secretary and a copy served on the Administrative Law Judge on or before July 28, 2009.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that an Initial Prehearing Conference on the previous-captioned case will be held as follows:

Type: Initial Prehearing Conference
Date: Tuesday, July 28, 2009
Time: 9:30 a.m.
Location: Hearing Room 3
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Presiding: Administrative Law Judge Fred R. Nene
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 (717) 783-5452
 Fax: (717) 787-0481

Persons with a disability, who wish to attend the hearing, may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to their your hearing to submit your request.

Persons who need an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to hearing to submit your request.

- Scheduling Office: (717) 787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1311. Filed for public inspection July 17, 2009, 9:00 a.m.]

Energy Efficiency and Conservation Plan

M-2009-2093218. Petition of West Penn Power Company for approval of its Energy Efficiency and Conservation Plan. Under the Pennsylvania Public Utility Commission's (Commission) Order, entered January 16, 2009, an answer along with comments and recommendations addressing the Energy Efficiency and Conservation Plan are to be filed within 20 days of the publication of the notice of the filing in the *Pennsylvania Bulletin*. 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 Petitioner and the Administrative Law Judge on or before August 7, 2009. The documents filed in support of the Petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Petitioner: West Penn Power Company

Through and By Counsel: John L. Munsch, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601

The following is the initial prehearing conference notice in this proceeding. Petitions for Intervention should be filed with the Secretary and a copy served on the Administrative Law Judge on or before July 28, 2009.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that an initial prehearing conference on the previous-captioned case will be held as follows:

Date: Tuesday, July 28, 2009
Time: 1 p.m.
Location: Hearing Room 5—Harrisburg Parties
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, Pennsylvania
Location: 11th Floor Hearing Room
 Pittsburgh State Office Building
 300 Liberty Avenue
 Pittsburgh, PA 15222

The assigned Administrative Law Judge will be in the Pittsburgh hearing room and the Harrisburg parties will be connected telephonically with the Administrative Law Judge.

Presiding: Administrative Law Judge Katrina
 Dunderdale
 (by means of telephone to Harrisburg)
 1103 Pittsburgh State Office Building
 300 Liberty Avenue
 Pittsburgh, PA 15222
 Telephone: (412) 565-3550
 Fax: (412) 565-5692

Persons with a disability, who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit your request.

- Scheduling Office: (717) 787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654.5988

[Pa.B. Doc. No. 09-1312. Filed for public inspection July 17, 2009, 9:00 a.m.]

Telecommunications

A-2009-2117000. The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Budget PrePay, Inc., d/b/a Budget Phone. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Budget PrePay, Inc., d/b/a Budget Phone for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Budget PrePay, Inc., d/b/a Budget Phone, by its counsel, filed on June 30, 2009, at the Pennsylvania Public Utility Commission

(Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania, d/b/a, Embarq Pennsylvania and Budget PrePay, Inc., d/b/a Budget Phone joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1313. Filed for public inspection July 17, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
 June 18, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli; Wayne E. Gardner; Robert F. Powelson

*In re: VCI Company, t/a Vilaire Communications;
 Doc. No. A-311437F0002*

Tentative Order

By the Commission:

VCI Company t/a Vilaire Communications (Vilaire) is a competitive local exchange carrier (CLEC) certificated at A-311437F0002. Recently, Commission staff attempted to contact by phone and e-mail Vilaire about the company not filing its 2008 TRS Access Line Summary Report that was due on March 1, 2009. A former Vilaire employee contacted by e-mail advised in the e-mail response that Vilaire has ceased operations. Additionally, the telephone number the Commission has on file for Vilaire is disconnected 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 above facts, we believe it is appropriate to revoke Vilaire's certificate of public convenience without the necessity of a formal complaint. Also, Vilaire currently has no NXX codes. For these reasons, we tentatively conclude that revocation of Vilaire's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Vilaire seeks relief from this Tentative Order; Therefore,

It Is Ordered That:

1. Revocation of VCI Company t/a Vilaire Communications's certificate 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 certificate of public convenience held by VCI Company t/a Vilaire Communications at A-311437F0002 shall be canceled, and VCI Company t/a Vilaire Communications' 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. 09-1314. Filed for public inspection July 17, 2009, 9:00 a.m.]

Water

A-2009-2117241. North Heidelberg Water Company. Application of North Heidelberg Water Company for approval of the abandonment of water service to the public in this Commonwealth and for the transfer of assets from North Heidelberg Water Company to the Reading Area Water Authority.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code, on or before August 3, 2009. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant:

North Heidelberg Water Company

Through and by Counsel:

Larry W. Miller, Esquire
Miller Law Group
25 Stevens Avenue
West Lawn, PA 19609

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1315. Filed for public inspection July 17, 2009, 9:00 a.m.]

