

# PENNSYLVANIA BULLETIN

Volume 39

Number 30

Saturday, July 25, 2009 • Harrisburg, PA

Pages 4323—4408

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Department of Community and Economic  
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Department of Education

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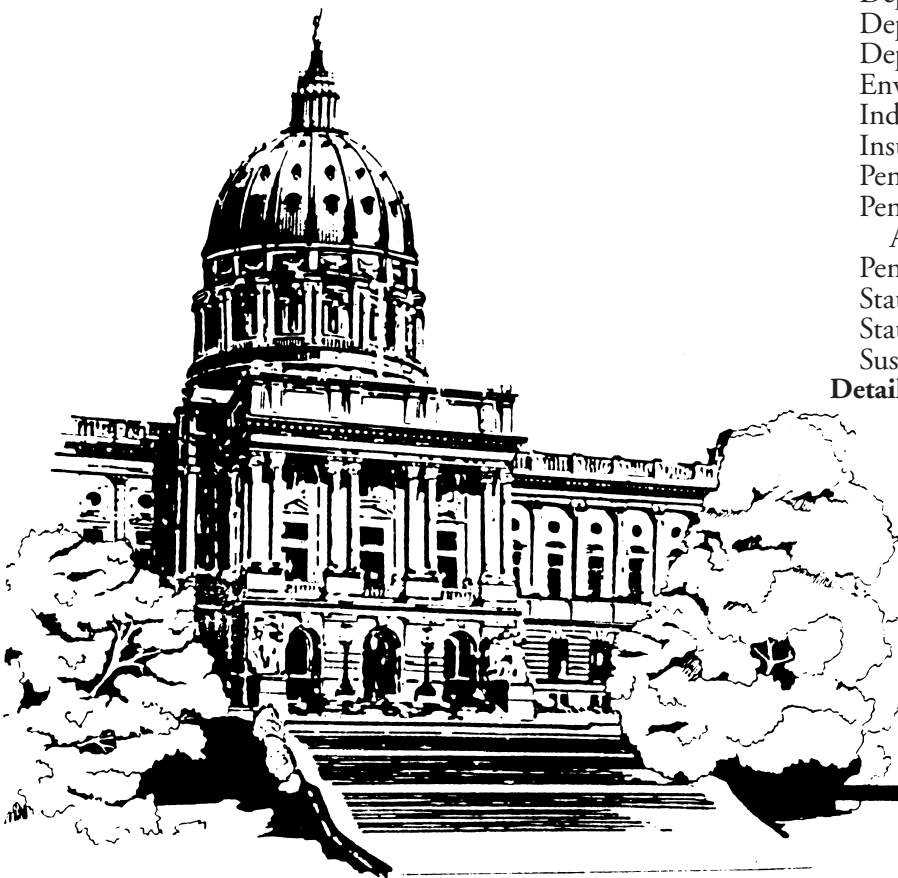
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State Employees' Retirement Board

Susquehanna River Basin Commission

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**No. 416, July 2009**

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**BULLETIN**

(ISSN 0162-2137)

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

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 490, 722 AND 790 ]

**Proposed New Pa.Rs.Crim.P. 490, 790 and Rescission of Rule 722**

### *Introduction*

The Criminal Procedural Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules of Criminal Procedure 490 and 790 that would establish the procedures for petitioning for expungement and ordering expungement in summary and court cases. The Committee also is proposing that the Supreme Court correlatively rescind Rule 722 as no longer necessary. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed new rules and the proposed rescission precedes the Report. Deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055

fax: (717) 795-2106

e-mail: criminal.rules@pacourts.us

no later than Friday, September 4, 2009.

*By the Criminal Procedural  
Rules Committee*

D. PETER JOHNSON,  
*Chair*

### **Annex A**

#### **TITLE 234. RULES OF CRIMINAL PROCEDURE**

#### **CHAPTER 4. PROCEDURES IN SUMMARY CASES**

#### **PART H. SUMMARY CASE EXPUNGEMENT PROCEDURES**

#### **Rule 490. Procedure for Obtaining Expungement in Summary Cases; Expungement Order.**

##### **(A) *Petition for Expungement.***

(1) Except as provided in Rule 320, an individual who satisfies the requirements of 18 Pa.C.S. § 9122 for expungement of a summary case may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and last four digits of the social security number;

(b) the name and address of the issuing authority who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(d) the magisterial district court number;

(e) the docket number;

(f) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for expungement; and

(j) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

(3) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

##### **(B) *Objections; hearing.***

(1) If the attorney for the Commonwealth objects to the expungement, the objections shall be filed with the judge within 30 days after service of the petition, and copies of the objections shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) If the attorney for the Commonwealth consents to the expungement or fails to file objections to the petition within the 30-day period, the judge promptly shall enter an order directing the expungement. The order shall contain the information required in paragraph (C).

(3) If the attorney for the Commonwealth files objections within the 30-day period, the judge promptly shall hold a hearing on the objections, affording all parties an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition. If the judge grants the petition, order shall contain the information required in paragraph (C).

(4) If the judge grants the petition for expungement, the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

##### **(C) *Order.***

(1) Every order for expungement shall include:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and the last four digits of the petitioner's social security number;

(b) the name and address of the issuing authority who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(d) the magisterial district court number;

(e) the docket number;

(f) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for expungement; and

(j) the criminal justice agencies upon which certified copies of the order shall be served.

(2) The clerk of courts shall serve a certified copy of the Order to each criminal justice agency identified in the in the court's Order.

### Comment

This rule, adopted in 2009, provides the procedures for requesting and ordering expungement in summary cases.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a summary case and Rule 790 for court case expungement procedures.

This rule sets forth the information that must be included in every expungement petition and order, but is not intended to be an exclusive list.

A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104.

"Petition," as used in this rule, is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for expungement" in paragraph (A)(2)(i) and (C)(1)(i) means, for example, acquittal, arrest or prosecution free for five years following the conviction for that summary offense, or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 594 Pa. 346, 936 A.2d 1 (2007); *Commonwealth v. J.H.*, 563 Pa. 248, 759 A.2d 1269 (2000).

**Official Note:** Adopted \_\_\_\_\_, effective \_\_\_\_\_.  
Committee Explanatory Reports:

Report explaining the proposed new rule providing the procedures for expungements in summary cases published at 39 Pa.B. 4335 (July 25, 2009).

## CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

### PART C. COURT CASE EXPUNGEMENT PROCEDURES

#### Rule 790. Procedure for Obtaining Expungement in Court Cases; Expungement Order.

(A) *Petition for Expungement.*

(1) Except as provided in Rule 320 and 35 P. S. § 780-119, an individual who satisfies the requirements for expungement may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and last four digits of the social security number;

(b) the name and address of the judge of the court of common pleas who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint, if available;

(d) the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

(e) the offense tracking number (OTN);

(f) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for expungement; and

(j) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

(3) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) *Objections; Hearing.*

(1) If the attorney for the Commonwealth objects to the expungement, the objections shall be filed with the judge within 60 days after service of the petition, and copies of the objections shall be served on the petitioner or the petitioner's attorney.

(2) If the attorney for the Commonwealth consents to the expungement or fails to file objections to the petition within the 60-day period, the judge promptly shall enter an order directing the expungement. The order shall contain the information required in paragraph (C).

(3) If the attorney for the Commonwealth files objections within the 60-day period, the judge promptly shall hold a hearing on the objections, affording all parties an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition. If the judge grants the petition, the order shall contain the information required in paragraph (C).

(4) If the judge grants the petition for expungement, the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the order is stayed pending the disposition of the appeal and further order of court.

(C) *Order*:

(1) Every order for expungement shall include:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and the last four digits of the petitioner's social security number;

(b) the name and address of the judge of the court of common pleas who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint, if available;

(d) the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

(e) the offense tracking number (OTN);

(f) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for expungement; and

(j) the criminal justice agencies upon which certified copies of the order shall be served.

(2) The clerk of courts shall serve a certified copy of the Order to each criminal justice agency identified in the in the court's Order.

**Comment**

This rule, adopted in 2009, provides the procedures for requesting and ordering expungement in court cases.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a court case, Rule 490 for summary case expungement procedures, and 35 P.S. § 780-119 for expungement procedures under The Controlled Substance, Drug, Device, and Cosmetic Act.

This rule sets forth the information that must be included in every expungement petition and order under this rule, but is not intended to be an exclusive list. The order for expungement under the Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-119, also must include the information in paragraph (C).

A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104.

"Petition" as used in this rule is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for expungement" in paragraph (A)(2)(i) and (C)(1)(i) means, for example, acquittal or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 518, the date of the summons constitutes the "date of arrest" for purposes of paragraph (A)(2)(f).

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. *See also* 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 594 Pa. 346, 936 A.2d 1 (2007); *Commonwealth v. J.H.*, 563 Pa. 248, 759 A.2d 1269 (2000).

**Official Note:** Adopted \_\_\_\_\_, effective \_\_\_\_\_.  
*Committee Explanatory Reports:*

Report explaining the proposed new rule providing the procedures for expungements in court cases published at 39 Pa.B. 4335 (July 25, 2009).

**PART B. Post-Sentence Procedures**

**Rule 722. [ Contents of Order for Expungement ] (Rescinded).**

**[ Every order for expungement shall include:**

**(1) the defendant's name, date of birth, and social security number;**

**(2) the OTN;**

**(3) the district justice docket number and the magisterial district number, or the Municipal Court docket number;**

**(4) the court of common pleas docket number, if any;**

**(5) the specific charges, as they appear on the charging document, to be expunged;**

**(6) the date of arrest and the criminal justice agency which made the arrest;**

**(7) the disposition;**

**(8) the reason for expungement; and**

**(9) the criminal justice agencies upon which certified copies of the order shall be served.**

**Comment**

**This rule sets forth the information that must be included in every expungement order, but is not intended to be an exclusive list.**

**When a summons instead of an arrest warrant is issued pursuant to Rule 518, the date of the summons constitutes the "date of arrest" for purposes of paragraph (6).**

**For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. *See also* 18 Pa.C.S. § 9102.**

**The "reason for expungement" in paragraph (8) means, for example, acquittal, successful completion of ARD, or age. ]**

**Official Note:** Rule 9017 adopted February 24, 1993, effective July 1, 1993; renumbered Rule 722 and Comment revised March 1, 2000, effective April 1, 2001[ . ]; **rescinded \_\_\_\_\_, effective \_\_\_\_\_, 2009, and replaced by new Rules 490(C) and 790(C).**

*Committee Explanatory Reports:*

Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 1134 (March 13, 1993).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the proposed rescission of Rule 722 published at 39 Pa.B. (July 25, 2009).

## REPORT

*Proposed new Pa.Rs.Crim.P. 490 and 790, and the correlative rescission of Rule 722.*

### PROCEDURES FOR EXPUNGEMENT IN SUMMARY AND COURT CASES

#### I. Background

The Committee is planning to propose that the Supreme Court adopt new Rules of Criminal Procedure 490 and 790, and the correlative rescission of Rule 722. The proposed new rules would establish the procedures for requesting and ordering expungement in summary and court cases.

The Committee's examination of the issue of providing in the rules the procedures for requesting expungement was initiated after the enactment of Act 134 of 2008 and after receiving several related communications.<sup>1</sup> Act 134 amends Section 9122 of the Criminal History Record Information Act (18 Pa.C.S. § 9122) ("CHRIA") by providing that a defendant's summary offenses may be expunged when the defendant "has been free of arrest or prosecution for five years following the conviction for that offense." Cognizant that the current Rules of Criminal Procedure only establish procedures for expungement following the successful completion of an Accelerated Rehabilitation Disposition Program (ARD) and provide the contents of an expungement order, and recognizing that many defendants in summary cases will proceed pro se, the members agreed to explore statewide uniform procedures for requesting expungement.

#### II. Discussion

Initially, the Committee considered several options for how to proceed. The members considered merely retaining the current Rule 722 (Contents of Order for Expungement) and adding a reference to the summary expungement provisions in CHRIA in the Rule 722 Comment. The Committee also discussed adding to Rule 722 a section for procedures for summary case expungements; establishing a separate summary case expungement rule; or developing procedures for both summary and court case expungements. Ultimately, the Committee agreed (1) that the provisions for expungement following completion of ARD should continue to be handled separately under Rule 320; (2) offenses entitled to expungement under 35 P.S. § 780-119 would continue to proceed under the statute; and (3) there should be separate rules establishing the procedures for summary case expungements and for court case expungements. We believe retaining the separate procedures for ARD cases and for Section 19 cases and having separate new rules for all other summary and court cases will make it easier for the bench, bar, and the public to utilize the correct procedures. The Committee also decided that Rule 722 should be rescinded and the expungement order content requirements of Rule 722 should be incorporated into both new rules.

The next question the Committee considered was the placement of the new rules. Recognizing that an expungement request ordinarily would not occur until after sentencing, the Committee is proposing that the new summary case expungement rule be placed at the end of Chapter 4 as new Rule 490 and that the new court case expungement rule be placed at the end of Chapter 7 as

new Rule 790. To distinguish both new rules from the rules immediately preceding these new rules, we are proposing there be a new subchapter added to Chapter 4 and Chapter 7 governing expungement.

In determining what the procedures for summary and court case expungements should be, the Committee looked at the provisions for ARD expungements in Rule 320, the contents of the order set forth in Rule 722, the expungement procedures set forth in local rules, and the expungement procedures in other jurisdictions. Drawing from these resources, we agreed the new rules should provide to the following:

- the petition should be filed with the clerk of courts in the court of common pleas in which the offense occurred, and a copy must be served on the attorney for the Commonwealth;
- the contents of the petition should include the information that must be included in the order required by Rule 722 and the verification language from Rule 575(2)(g);
- the attorney for the Commonwealth should have the right to file objections to the petition;
- the court should conduct a hearing when there are objections and the parties should have an opportunity to respond
- there should be a separate section in the rules for the Order that would require the judge to enter an order and the order must include all the contents from Rule 722;
- the clerk of courts must serve copies of the expungement order on the criminal justice agencies specified in the court's order;

#### A. PROPOSED NEW RULE 490

Proposed new Rule 490 sets out the procedures for requesting and ordering expungement in all summary cases.

Paragraph (A)(1) and the second paragraph of the Comment make it clear that summary case ARD expungements are to proceed pursuant to Rule 320. Paragraph (A)(1) also requires the expungement petition to be filed with the clerk of courts in the judicial district in which the offenses were disposed.<sup>2</sup> Although the requested expungement is of summary offenses that are within the jurisdiction of the magisterial district judges, the Committee believes the CHRIA contemplates that the judges of the courts of common pleas should order expungements, even though this is not spelled out specifically in the CHRIA. Furthermore, the expungement proceedings should be in the court of common pleas because (1) there is not a rule-governed motion practice in the summary case rules; and (2) the magisterial district courts are not courts of record.<sup>3</sup>

As a matter of uniform procedure, the Committee uses of the term "motion" in the rules whenever feasible.<sup>4</sup> However, for these new expungement procedures, we are proposing that the term "petition" be used to avoid confusion because this is the term used in the statute and in many of the local rules providing expungement procedures. To clarify this further, a provision would be added to the Comment explaining that "petition" as used in this rule is a "motion" for purposes of Rules 575, 576, and 577.

<sup>2</sup> Pursuant to Rules 575 and 576, the petition must be filed with the clerk of courts first rather than taking the petition to a judge or the court administrator before filing.

<sup>3</sup> It should be noted, however, that under local procedures implementing Rules 300 and 301, some magisterial district judges may have the authority to expunge summary ARD records after successful completion in the same manner as common pleas judges under Rule 320.

<sup>4</sup> See the Rule 103 definition of "motion."

<sup>1</sup> The Committee received communications about summary case expungements from John Heaton, Secretary to the Board of Pardons. Mr. Heaton noted that it would be helpful to have a uniform statewide rule establishing the procedures rather than having 67 different procedures, especially for the defendants who would proceed *pro se*.

Paragraph (A)(2) sets forth the contents of the petition. The information required to be on the petition all is necessary to aid the attorney for the Commonwealth and the court to accurately identify the offense(s) the defendant is asking to have expunged. Most of the required information is the same as the information that currently is required under Rule 722. In paragraph (A)(2)(a), we added “any aliases that the petitioner has used” as an additional identifier. We also added as paragraph (A)(2)(j) the requirement that the petitioner verify the facts set forth in the petition. The verification requirement is consistent with all other motions. *See* Rule 575(2)(g).

Rule 722(1) requires the defendant’s social security number be included on the order for expungement. The Committee debated at length whether the social security number should be required on the petition and order in the new expungement rules. We are aware of the position being taken by many governmental agencies that social security numbers should not appear on public documents. The Committee also recognized that the social security number continues to be a necessary identifier for defendants in the criminal justice system. As a compromise, governmental agencies will require only the last four digits of the social security number. The Committee ultimately settled on this approach, and added the requirement of the last four digits of the social security number to the contents of the petition and the contents of the order.

Paragraph (B) sets forth the procedures for the Commonwealth to file objections to the expungement of a summary offense and for the scheduling and conducting of a hearing if the Commonwealth objects. Recognizing that most summary cases are not complicated and do not have extensive court records to be reviewed, the Committee reasoned a 30-day time period was an adequate amount of time for the attorney for the Commonwealth to determine if he or she is going to object to a summary expungement. Paragraph (B)(1) sets forth the provisions for the attorney for the Commonwealth to file objections within 30 days after service of the petition. The attorney for the Commonwealth also must serve copies of the objections on the petitioner’s attorney, or the petitioner if unrepresented.

Paragraph (B)(2) requires the judge to enter an order granting expungement if the attorney for the Commonwealth consents or when the attorney for the Commonwealth fails to file objections within the 30-day time period. The Committee added the “Commonwealth consents” language to make it clear that the attorney for the Commonwealth may affirmatively consent at any time after the petition is filed rather than allowing the full 30-day period to expire before proceeding with the expungement. The judge’s order is required to include the contents set forth in paragraph (C).

Paragraph (B)(3) requires the judge to promptly schedule a hearing on the objections when the attorney for the Commonwealth files objections within the 30-day period. The parties are to be afforded an opportunity to be heard at the time of the hearing. At the completion of the hearing, the judge promptly must enter an order either granting or denying the petition. If the judge grants the petition, the order must set forth the information required in paragraph (C).

Paragraph (B)(4) provides for the stay of the expungement order during the 30-day time period within which the attorney for the Commonwealth may file an appeal. If

the attorney for the Commonwealth does file an appeal, then the order will be stayed pending the disposition of the appeal.

Paragraph (C) sets forth the contents of the expungement order. As previously explained, the information required in paragraph (C) is the same as the information required in current Rule 722 with the addition of the last four digits of the social security number instead of the full social security number. It should be noted that the judge is required to name in the order the criminal justice agencies upon which the certified copies of the order are to be served. In addition, paragraph (C)(2) requires the clerk of courts to serve the order on the criminal justice agencies listed in the order. The Committee learned that the practice in some judicial districts is to require the defendant to provide the criminal justice agencies information for the order and to do the service of the order. The Committee rejected this practice, agreeing both of these functions are functions, and the responsibility should not be placed on the defendant.

The *Comment* includes paragraphs elaborating on the provisions of the new rule. It makes it clear that the list of information required to be included in the petition and the order are the minimum requirements and not intended to be an exclusive list. As explained in the Committee’s *Final Report* when Rule 722 was adopted, “we did not want to preclude judges from adding information which they conclude is necessary for expungement matters in their respective judicial districts or relative to a specific defendant.”<sup>5</sup>

One of the concerns expressed to the Committee about the new summary case expungements under the CHRIA is that many defendants in summary cases will seek expungement without the assistance of counsel. Because of this, it was suggested that the new rule include the form of the expungement petition. The Committee, when considering this suggestion, noted that, except in a few cases in which the Committee agreed the identical form must be used in all judicial districts (*e.g.* Rule 632 - juror information questionnaire), the Committee has not included the actual forms in the rules since the forms were deleted from the rules in 1985.<sup>6</sup> The members agreed expungement petitions do not fit into the category of forms that must be identical in all judicial districts, and declined to devise a form and include it in the rules. However, we did agree that having a form available for the use of petitioners is a sound idea. Accordingly, as explained in the *Comment*, the Administrative Office of Pennsylvania Courts will design a form incorporating the required contents in paragraph (A)(2) in consultation with the Committee as provided in Rule 104. It is anticipated that this form will be easily accessible for petitioners.

The Committee also discussed whether the rule should address standing to challenge expungement. The member agreed this was not something that should be addressed in the Criminal Rules, but thought it would be helpful if the *Comment* included a cross-reference to the cases on standing in the expungement context.

## B. PROPOSED NEW RULE 790

Except when modification of language is necessary to conform with procedures for court cases,<sup>7</sup> the provisions in paragraphs (A)(2) and (C) in new Rule 790 are the

<sup>5</sup> 23 Pa.B. 1135, 1135 (March 13, 1993).

<sup>6</sup> The Committee’s *Report* explaining the deletion of the forms was published at 13 Pa.B. 3813 (December 10, 1983).

<sup>7</sup> For example, in paragraph (A)(2)(b), the petition is to provide the name of the judge of the court of common pleas rather than the magisterial district judge and paragraph (A)(2)(e) requires the OTN, a number not assigned to summary cases.

same as paragraphs (A)(2) and (C) in new Rule 490. Paragraph (A)(1) and the second paragraph of the Comment make it clear that summary case ARD expungements are to proceed pursuant to Rule 320 and expungements arising under 35 P.S. § 780-119 are to proceed pursuant to that statute. Paragraph (A)(1) also requires the expungement petition to be filed with the clerk of courts in the judicial district in which the offenses were disposed.<sup>8</sup>

Paragraph (B) sets forth the procedures in court cases for the attorney for the Commonwealth to file objections to the petition for expungement and for the judge to schedule a hearing when objections are filed. In court cases, the attorney for the Commonwealth is given 60 days to decide whether to file objections to the petition. The Committee agreed that the attorney for the Commonwealth should be afforded additional time in court cases because there may be more extensive records to review and more complicated issues to address. Paragraphs (B)(1) and (B)(2) incorporate the 60-day time period. In all other respects, paragraph (B) is the same as paragraph (B) in Rule 490.

The Rule 790 Comment includes the same provisions that are in the Rule 490 Comment. One point the Committee discussed in the context of proposed new Rule 790 is whether the order for expungements that arise under 35 P.S. § 780-119 must include the same contents as orders issued pursuant to Rule 790. The AOPC representative to the Committee pointed out that currently, under Rule 722, these expungement orders do comply with Rule 722. Because Rule 722 would be rescinded under this proposal, would these Title 35 expungement orders still be required to comply? The Committee agreed that the Title 35 orders should continue to include the same information as all other court case expungements. To make this clear, a provision to that effect has been added to the third paragraph of the Rule 790 Comment.

[Pa.B. Doc. No. 09-1317. Filed for public inspection July 24, 2009, 9:00 a.m.]

<sup>8</sup> Pursuant to Rules 575 and 576, the petition must be filed with the clerk of courts first rather than taking the petition to a judge or the court administrator before filing.

## Title 255—LOCAL COURT RULES

### WASHINGTON COUNTY

#### L-1910.5(e); Complaint No. 2009-1 Order of Court Continuance

#### Order

*And Now*, this 2nd day of July, 2009; *It Is Hereby Ordered* that the above-stated Washington County Local Rule be amended as follows:

(e) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled conference or hearing the party will be charged a \$75.00 fee. A party who receives a continuance and who fails to file a copy of the Notice of Presentation and the Continuance Motion in the Domestic Relations Section prior to presenting the motion for continuance to the Court as required in paragraph **d**, shall be charged an additional \$50.00 fee. The fee will be paid by the moving party to the Domestic Relations Section when the signed Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Domestic Relations Section.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DEBBIE O'DELL SENECA,  
*President Judge*

[Pa.B. Doc. No. 09-1318. Filed for public inspection July 24, 2009, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CHS. 461a AND 463a ]

#### Slot Machine Master Lists

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1207 (relating to regulatory authority of board) amends §§ 461a.1, 463a.3 and 463a.5 (relating to definitions; slot machine location; and slot machine master lists) as set forth at 39 Pa.B. 423 (January 24, 2009).

#### *Purpose of the Final-Form Rulemaking*

This final-form rulemaking updates the requirements for filing slot machine master lists by renaming each list, revising the lists of required information for each list and requiring that all of these lists be submitted electronically.

#### *Explanation of Amendments to Chapters 461a and 463a.*

In § 461a.1 (relating to definitions) definitions of the terms “machine displayed payout percentage” and “minimum payout percentage” have been added. Additionally, the definition of the term “paytable” has been amended to replace the word “payback” with “payout” which is the word that is used throughout the Board’s regulations.

Revisions to § 463a.3 (relating to slot machine location) delete unnecessary language and replace the old list name “Slot Machine Master List” with the new list name “Gaming Floor Slot Machine Master List.”

In § 463a.5 (relating to slot machine master lists), numerous revisions have been made to enhance the clarity of this section and to update the various reporting requirements. The generic references to the slot machine master list have been replaced with more descriptive names for each list. The slot machine master list for games on the gaming floor is now called the gaming floor slot machine master list, the list for slot machines in the possession of a slot machine licensee that are not on the gaming floor is called the Restricted Area/Off-Premises Slot Machine Master List and the list for non-slot machine licensees authorized to possess slot machines will retain the name Slot Machine Master List.

The list of items required to be included in the Gaming Floor Slot Machine Master List has been updated and expanded to include additional information that the Bureau of Gaming Laboratory Operations needs to monitor the operation of slot machines on the gaming floor and protect the integrity of gaming. The items required in the Restricted Area/Off-Premises Slot Machine Master List and the Slot Machine Master List consist of subsets of the items required for the Gaming Floor Slot Machine Master List. Less information is needed about these slot machines because they are not being used for gaming.

Finally, all of these reports will now be required to be submitted electronically using formats approved by the Bureau of Gaming Laboratory Operations. To simplify the submission process, the Bureau of Gaming Laboratory Operations has developed Excel templates that can be used for each of the required reports.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 39 Pa.B. 423.

The Board received comments from Greenwood Gaming and Entertainment, Inc. (Greenwood) and Downs Racing, LP (Downs). On March 25, 2009, the Independent Regulatory Review Commission (IRRC) notified the Board that it had no objections, comments or recommendations to offer on the proposed rulemaking. All of the comments received were reviewed by the Board and are discussed in detail as follows.

In its comments, Greenwood had no objections to the proposed rulemaking, but asked for clarification of other requirements. More specifically, if Greenwood made certain changes to the Slot Machine Modification Request form, would it be sufficient to also meet the requirements for the Slot Machine Movement Log in § 463a.5(e) and (f).

The Board appreciates Greenwood’s expression of support for the proposed rulemaking. Concerning the related question raised in Greenwood’s comments, the Bureau of Gaming Laboratory Operations is reviewing the suggestion offered. If the Bureau of Gaming Laboratory Operations believes that the suggestion has merit, revisions will be proposed as part of a new rulemaking.

Downs suggested that the Board delete subsection (b)(2)(xi). Downs stated that the minimum payout percentage in subparagraph (xi) is already included in the payable ID in subparagraph (xii); accordingly there is no need to also report the minimum payout percentage.

The Board has not adopted this recommendation. As a general rule, paytables have multiple payout percentages. Only knowing what payable is being used, won’t tell you which payout percentage has been selected. Additionally, the Bureau of Gaming Laboratory Operations has reviewed paytables that have payout percentages above and below the required 85% level. While these paytables have been approved, the approval only applies the portions of paytables that have payout percentages of 85% or more. Accordingly, listing the payout percentage that has been selected is necessary to ensure that an allowable percentage is being used.

#### *Affected Parties*

This final-form rulemaking alters what information is required to be included in the reports that slot machine licensees and other entities that are authorized by the Board to possess slot machines currently file.

#### *Fiscal Impact*

##### *Commonwealth*

Under this final-form rulemaking, the Board will receive all of this information electronically which should reduce administrative costs. However, the reduction in costs is not anticipated to be significant.

##### *Political Subdivisions*

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

##### *Private Sector*

There may be some minor cost to slot machine licensees and other entities required to file these reports because of the additional information that must be provided. However, these costs may be offset by the savings that will



result from the reduction in the amount of information that must be provided for slot machines that are not on the gaming floor and the use of electronic filing.

*General Public*

This final-form rulemaking will have no fiscal impact on the general public.

*Paperwork Requirements*

Slot machine licensees and other entities required to file these reports will be able to reduce paperwork through the use of electronic filing.

*Effective Date*

This final-form rulemaking will become effective September 23, 2009.

*Contact Person*

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

*Regulatory Review*

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on January 9, 2009, the Board submitted a copy of this proposed rulemaking, published at 39 Pa.B. 423, and a copy of the Regulatory Analysis Form to IRRC. In accordance with section 5(f) of the Regulatory Review Act, on February 11, 2009, the Board submitted the proposed rulemaking and required material to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the final-form rulemaking was

deemed approved by the Committees on June 10, 2009. Under section 5(g) of the Regulatory Review Act the final-form rulemaking was deemed approved by IRRC effective June 10, 2009.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 461a and 463a, are amended by amending §§ 461a.1, 463a.3 to read as set forth at 39 Pa.B. 423.

(b) The Chairperson of the Board shall certify this order, 39 Pa.B. 423 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect September 23, 2009.

MARY DIGIACOMO COLINS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 3297 (June 27, 2009).)*

**Fiscal Note:** Fiscal Note 125-94 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 09-1319. Filed for public inspection July 24, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF LABOR AND INDUSTRY

[ 34 PA. CODE CH. 13 ]

### Propane and Liquefied Petroleum Gas

Under section 16 of the Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1—1329.19) (act), the Department of Labor and Industry (Department) is submitting proposed rulemaking for the regulation of propane and liquefied petroleum gas (LPG).

The Department proposes the following amended regulations for propane and liquefied petroleum gas under the act as set forth in Annex A.

#### *Statutory Authority*

This proposed rulemaking is issued under the authority provided in section 16 of the act (35 P. S. § 1329.16) which provides: “The department shall promulgate and enforce regulations to implement this Act. These regulations may include setting forth minimum general standards covering the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, specifying the odorization of the gases and establishing guidelines for the processes and technologies that are not covered by industry standards.”

Section 5(a) of the act (35 P. S. § 1329.5(a)) also mandates that the Department establish fees by regulation for the approval of new and expansion of existing liquefied petroleum gas facilities, permits and certification of training programs. Section 17(a)(1) of act charges the Department with responsibility for enforcing the act and regulations promulgated under act (35 P. S. § 1329.17(a)(1)).

#### *Background*

Liquefied petroleum gas is a highly flammable and combustible material, which can pose a serious threat to life and property if stored or handled improperly or if a leak occurs. The Commonwealth previously enacted the act of December 27, 1951 (P. L. 1793, No. 475) (35 P. S. §§ 1321—1329) (Repealed). In 2002, the Legislature replaced this repealed act with the act in an effort to bring the Commonwealth’s liquefied petroleum gas program up to current National standards of safety, training and inspection. The act’s primary improvement was requiring Nationally-accepted standards for and consistent application of inspections of liquefied petroleum gas containers and facilities. The proposed rulemaking is intended to amend the existing regulations regarding liquefied petroleum gas at 34 Pa. Code Chapter 13, Subchapter A (relating to liquefied petroleum gas).

#### *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

Since the passage of the act, the Department has sought input from the Liquefied Petroleum Gas Advisory Board. The Liquefied Petroleum Gas Advisory (Board) was created under section 12 of the act (35 P. S. § 1329.12) to review and comment on all regulations before release of the regulations. The Board consists of representatives from the Liquefied Petroleum Gas Industry and a consumer representative. The Board reviewed drafts of this proposed rulemaking and provided com-

ments and input on a number of substantive issues. The Board met to review and comment on the proposed rulemaking on November 16, 2004, June 17, 2008, and September 9, 2008.

The Department has also provided draft copies of this proposed rulemaking to industry representatives and associations for input during the drafting process, including the Pennsylvania Propane Gas Association.

#### *Purpose*

This proposed rulemaking is necessary to implement the act. The regulation adopts National standards which bring the Commonwealth’s program to the most current “state of the art” in technology and safety. The rulemaking applies to bulk plants, distributors and industrial users and regulates the storage, transfer, sale and use of liquefied petroleum gas, including providing for approval of training programs for authorized attendants. This rulemaking adopts fees, provides for registration and annual permits and requires facilities to maintain insurance. The rulemaking sets forth the application and plan approval processes and provides for enforcement by the Department if an inspection reveals violations of the act or its rulemaking.

Under section 18(b) of the act (35 P. S. § 1329.18(b)), this proposed rulemaking does not apply to persons that both sell liquefied petroleum gas and the container in which the liquefied petroleum gas is contained if the container is not more than 2.5 pounds water capacity.

This proposed rulemaking will amend the existing regulations dealing with liquefied petroleum gas in Chapter 13 (relating to gas, lead and nitro amido compounds).

### SUMMARY OF PROPOSED RULEMAKING

#### *Subchapter A. GENERAL PROVISIONS*

##### *§ 13.1. Definitions.*

This section provides definitions for the terms used in the chapter. It provides the statutory citation for the act.

This section identifies and provides addresses for the American Society of Mechanical Engineers (ASME), the Propane Education and Research Council, the National Board of Boiler and Pressure Vessel Inspectors, the National Fire Protection Association (NFPA) and the National Propane Gas Association (NPGA).

It also provides information on the National standards adopted by this chapter, such as ASME Code, National Board Inspection Code and NFPA 58 and it contains definitions of terms as “bulk plant,” “container,” “cylinder,” “cylinder exchange cabinets,” “dispensing station,” “industrial user,” “tank” and “transfer.”

##### *§ 13.2. Scope.*

This proposed rulemaking applies to the registration and permitting of bulk plants, distributors and industrial users. It applies to any storage, transfer, sale or use of liquefied petroleum gas. It applies to the design, construction, location, operation and inspection of tanks, cylinders and piping from the tank or cylinder to the regulator immediately outside a building. It sets forth the process for the approval of training programs for authorized attendants.

§ 13.3. *Fees.*

This section sets out the fees for facility applications, plan approvals, permits and training program certifications, required under section 5 of the act. This section also establishes a \$100 fee to apply for an Industrial Board variance. The fee is consistent with the Uniform Construction Code variance application fee. See 34 Pa. Code § 401.2(h) (relating to Department fees).

§ 13.4. *Adoption of National standards.*

This section states that the Department adopts NFPA 54 and NFPA 58, the standards referenced in these publications and published cases, interpretations or tentative interim amendments approved by the Industrial Board, except NFPA 58 sections that were specifically excluded from this rulemaking. It also sets forth effective dates for certain portions of NFPA 58.

§ 13.5. *Registration and annual permits.*

This section requires operators of bulk plants, distributors and industrial users to register with the Department by submission of a form, payment of the appropriate fee and submission of a valid copy of an industry standard insurance certificate, demonstrating liability insurance coverage as required under § 13.6 (relating to insurance).

This section also provides that the Department will issue an annual permit, which shall be posted by the bulk plant, distributor or industrial user.

§ 13.6. *Insurance.*

This section requires liquefied petroleum gas facilities to secure and maintain liability insurance policies in the amounts set forth, according to the facility's storage capacity.

§ 13.7. *Transfer of LPG.*

This section provides that only an authorized attendant, as defined in the regulations, may transfer liquefied petroleum gas. It further provides that a distributor may not provide product to a bulk plant, industrial user or other distributor unless the distributor has a current annual permit issued by the Department.

*Subchapter B. REQUIREMENTS FOR FACILITIES, TANKS AND CYLINDERS*

§ 13.20. *Application process and plan approval.*

This section requires the owner or operator of the following to submit an application to the Department: a liquefied petroleum gas tank exceeding 2,000 gallons capacity, a fixed location with aggregate capacity exceeding 4,000 gallons, or a dispensing station or a cylinder exchange cabinet location. The application must include a completed registration form and proof of annual insurance set forth in § 13.5 the appropriate fee set forth in § 13.3 (relating to fees); plans that provide information regarding equipment, distances of equipment to buildings, security, fire protection and vehicle protection measures; a fire safety analysis required by NFPA 58; and, a manufacturer's data report for each unfired pressure vessel.

For distributors installing or expanding a bulk plant with a capacity of less than 9,000 gallons or industrial users with a total storage capacity of less than 9,000 gallons, this section permits submission of a Notice of Intent to Install Form, instead of plans.

This section prohibits an owner or operator of the following to operate until it has received an annual permit issued by the Department: a liquefied petroleum gas tank exceeding 2,000 gallons capacity, a fixed location

with aggregate capacity exceeding 4,000 gallons, a dispensing station or a cylinder exchange cabinet. It also requires the Department to inspect applicants for compliance with the plans or notice of intent to install before issuance of the annual permit.

This section requires that a manufacturer's data report for every unfired pressure vessel be registered with the National Board.

§ 13.21. *LPG facilities over 400,000 gallons.*

This section requires the owner or operator of a new liquefied petroleum gas facility in excess of 400,000 gallons or an existing liquefied petroleum gas facility expanded to exceed 400,000 gallons to submit an application to the Department. The application must include a completed registration form required by § 13.5 and documentation and plans demonstrating storage quantities; proximity to populated areas and public ways; the impact of rejection from the Department upon the facility's ability to service current and anticipated customer needs and upon the facility's business investment; risk to and from existing adjacent facilities; topography of the site; access for emergency vehicle response; utilities (public and private); requirements for receipt or shipment of products; compliance with local land use ordinances; and the safety plan proposed by the facility. The application must also include proof of notification to the municipality set forth in subsection (b). The application must include the appropriate fee required by § 13.3.

Subsection (b) requires that upon submission of an application, the applicant shall send notification to the municipality where the facility is located of its Department filing through certified mail.

This section provides that the Department will publish notice of the application in the *Pennsylvania Bulletin* and provides an aggrieved party 45 days from this publication to file a protest with the Department. In addition, the municipality or county has 45 days to file a written comment with the Department.

Within 90 days of publication, the Department will issue a written determination approving or disapproving the application and will send a copy by certified mail to the applicant and to any party who filed a protest or submitted written comments.

Subsection (e) prohibits the facility owner or operator from installing or operating the facility or the expanded portion of the facility until it receives an annual permit issued by the Department.

§ 13.22. *Underground tanks.*

This section requires that underground tanks be installed in accordance with NFPA 58 and that dealers maintain records of installation locations using GPS coordinates for underground tanks exceeding 2,000 gallons water capacity.

§ 13.23. *Repairs to ASME vessels.*

This section requires that repairs to ASME vessels be performed in accordance with the National Board Inspection Code.

§ 13.24. *Cylinder exchange cabinets.*

This section requires retailers and locations using cylinder exchange cabinets to comply with Section 8.4.1 of NFPA 58 and provides that busy thoroughfares or sidewalks, as those terms are used in Section 8.4.1.2(3) of NFPA 58, include sidewalks, concrete aprons and parking lots at retail establishments.

*Subchapter C. TRAINING PROGRAMS**§ 13.40. Training programs for authorized attendants.*

This section requires that an individual must satisfactorily complete a training program approved by the Department for becoming an authorized attendant. It requires that all training programs include information regarding physical properties and combustion characteristics of propane; propane industry standards, safety codes and regulations; basic parts of propane tanks, cylinders and bulk storage installations; proper use of safety and protective equipment; and, maintenance of a safe working environment.

In addition to these basic requirements, training programs for attendants who will deliver liquefied petroleum gas must also include proper inspection, maintenance and operation of bulk propane delivery vehicles; proper inspection and filling of propane storage containers; and proper delivery of propane including exchange and filling of LPG containers. This section also requires that training programs for attendants who are employed in bulk plant operations must include identification and installation of valves in propane storage containers; identification and installation of gauges in propane storage containers; safe removal of propane from tanks and cylinders at the plant and at the container site; inspection, maintenance and filling of propane tanks and cylinders at the plant and at the container site; and proper unloading of propane transports and rail cars, in addition to the basic training requirements.

*§ 13.41. Training program approval.*

This section provides that the Department will approve facility operator provided training programs. It requires each liquefied petroleum gas operator that has individuals who transfer liquefied petroleum gas to submit a completed application for training program approval to the Department, with a detailed description of its training program and the appropriate fee under § 13.3. The Department will issue a program approval certificate or will inform the facility operator in writing of the reasons for rejecting a training program.

Subsection (c) requires facility operators to notify the Department in writing of any changes in their approved training program.

Subsection (d) provides that instead of developing and submitting a training program for authorized attendants, an LPG facility operator may utilize the Propane Education and Research Council training programs. A facility electing to use the Propane Education and Research Council program must notify the Department in writing of that election.

Subsection (e) requires facility operators to maintain training records for as long as the authorized attendant is employed by the facility. The records must include the date of training, the name of the authorized attendant, the name of the course and the name of the trainer or supervisor.

*Subchapter D. ADMINISTRATION**§ 13.50. Suspension of annual permit for container.*

This section provides that the Department will suspend the annual permit and seal of a liquefied petroleum gas container that is unsafe. It provides that a person, firm, partnership or corporation operating a liquefied petroleum gas container or facility with a suspended permit is subject to the penalties of section 17 of the act (35 P. S. § 1329.17).

*§ 13.51. Suspension of annual permit for owner or operator.*

This section provides that the Department will suspend the annual permit of an owner or operator for failure to pay the fee required in § 13.3 or for any violation of the act or this chapter.

*§ 13.52. Notice of deficiency.*

This section sets forth the procedures that will be used by the Department if an inspection reveals any violation of the act or this chapter. It provides that the Department will issue a written notice of deficiency to the owners or operators of the container or facility containing a description of the violations and an order requiring correction of the violations and repairs. The written notice of deficiency will include a certification for the owner or operator to complete certifying that the required repairs have been completed, which must be returned to the Department.

If the owner or operator does not correct the deficiency within the period of time allowed, or fails to return the certification, the Department may issue an order to show cause. This section requires the order to show cause to include a statement of the grounds for the action, the alleged violations of the act and its regulations, and notification that the equipment may be placed out of service. The order to show cause will direct the owner or operator to provide a written response within 30 days. The Department will serve an order to show cause by personal service or certified mail. Any answer filed by the owner or operator must be filed within 30 days following service of the order to show cause, must contain specific admissions or denials of the allegations set forth in the order to show cause, and must set forth the specific facts, matters of law, or regulation interpretation that the owner or operator relies upon. The answer may also contain a request for a variance or extension of time for compliance. This section requires the Department to forward all requests for variances, extension of time or appeals regarding interpretation of the regulation to the Industrial Board.

A request for variance, extension of time or an appeal will be considered a stay to the enforcement action.

At the expiration of an extension of time or other time period granted for compliance, the Department will inspect the container or facility. If the container or facility is found to violate the act or regulations after the inspection, the Department may seal the liquefied petroleum gas container or facility.

The Department will issue a notice to discontinue operation to the owner or operator for a violation that was not corrected, either by personal service or by certified mail. This notice will require the owner or operator to discontinue the use of the container or facility within 24 hours. The equipment may be returned to service only when the violations have been corrected, the repairs have been made and the Department removes the seal. A party aggrieved by a notice of deficiency or a notice to discontinue operation may appeal that order to the Industrial Board (Board) within 30 days of the issuance of the order. Appeals from the Board Order may be filed within 30 days of that order.

*§ 13.53. Notice and hearing.*

This section provides that any actions of the Department relating to a notice of deficiency, notice to discontinue operation or suspension of an annual permit for a container under §§ 13.50, 13.51 and 13.52 will be taken

subject to the right of notice, hearing and adjudication under 2 Pa.C.S. (relating to Administrative Law and Procedure). It further provides that proceedings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

§ 13.54. *Municipal preemption.*

This section provides that the Department has the sole right and ability to regulate the liquefied petroleum gas industry and that no municipality or subdivision may adopt or enforce an ordinance or regulation that differs from the Act or these regulations. Municipalities may not prohibit placement of liquefied petroleum gas containers, other than to establish an absolute setback of 10 feet from a property line.

This section also provides that municipalities retain the right, in accordance with local zoning ordinances, to require a facility to locate in an approved zone and to require zoning permits and fees. Buildings located at LPG facilities must comply with municipal standards applied to primary structures.

*Affected Persons*

This proposed rulemaking affects owners and operators of liquefied petroleum gas bulk plants, cylinder exchange cabinets, dispensing stations, distributors and industrial users. The general public is also affected, as updating the regulations related to liquefied petroleum gas to National standards will increase public safety.

*Fiscal Impact*

The Commonwealth will incur no additional cost under these proposed rulemaking. The costs will be similar to costs now incurred by the Department's liquefied petroleum gas inspection and inspector certification program. This rulemaking will not increase administrative, enforcement or legal activity.

*Reporting, Recordkeeping and Paperwork Requirements*

This rulemaking will not require the creation of new forms and reporting requirements. Current forms may be updated.

*Sunset Date*

A sunset date is not appropriate for this rulemaking. However, the Department will continue to monitor the impact and effectiveness of the rulemaking.

*Effective Date*

This proposed rulemaking will take effect upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

*Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jack Davenport, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 16th Floor, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121 or by electronic mail to [jacdavenport@state.pa.us](mailto:jacdavenport@state.pa.us) within 30 days of publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 9, 2009, the Department submitted a copy of this proposed rulemaking to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee (Committee) and to the Independent Regulatory Review Commission (IRRC). In addition to submitting the proposed rulemaking, the

Department has provided the Committees and IRRC with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking to the Department within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed regulations, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

SANDI VITO,  
*Secretary*

**Fiscal Note:** 12-76. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**

**PART I. DEPARTMENT OF LABOR AND INDUSTRY**

**CHAPTER 13. [GAS, LEAD AND NITRO AMIDO COMPOUNTS] PROPANE AND LIQUEFIED PETROLEUM GAS REGULATIONS**

**Subchapter A. [ LIQUEFIED PETROLEUM GAS ] GENERAL PROVISIONS**

**Subchapter A. GENERAL PROVISIONS**

**§ 13.1. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—[ **The act of December 27, 1951 (P. L. 1793 No. 475) (35 P. S. §§ 1321—1329) ] The Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1—1329.19).**

*ASME*—**The American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990 or its current address.**

*ASME Code*—**“The Boiler and Pressure Vessel Code,” 2007 edition and any published cases and interpretations adopted by the Industrial Board under § 3a.4 (relating to adoption of National standards).**

*Authorized attendant*—An employee of a manufacturer, distributor or user of [ **liquefied petroleum gas** ] LPG who [ **has been** ] was trained, in a manner approved by the Department, in the proper performance of duties, [ **with complete training recognition in the hazards involved in the handling of liquefied petroleum gas** ] and who [ **has been** ] was officially [ **authorized to perform designated duties by the employer** ] recognized by the facility operator to perform those duties.

*Bulk plant*—[ **Any liquefied petroleum storage facility consisting of storage tank or tanks and related equipment used for the filling of smaller liquefied petroleum gas containers which are sold or delivered, or both, to wholesale or retail dealers or to users; the term shall include consumers of lique-**

fied petroleum gas who use storage tanks to refill their own cylinders or tanks if the storage facilities are less than 2000-gallons water capacity. ]

(i) An LPG storage facility which has the primary purpose of distribution of LPG and which has both of the following:

(A) A bulk storage capacity of more than 2,000 gallons.

(B) Container-filling or tank-loading facilities on the premises.

(ii) The term includes a consumer of LPG that uses storage tanks to refill the consumer's own containers if the consumer's storage facility has a bulk storage capacity of less than 2,000 gallons and the storage tanks are not owned by a distributor.

**Certified Employee Training Program**—The "Certified Employee Training Program," available from the Propane Education and Research Council, 1140 Connecticut Avenue NW, Suite 1075, Washington, DC 20036 or its current address.

**Container**—A vessel such as a cylinder, tank, portable tank, and cargo tanks used for the transporting or storing of LPG.

**Cylinder**—[ Any container constructed and maintained in accordance with the Interstate Commerce Commission cylinder specifications for use in storing and transporting liquefied petroleum gas ] A container constructed in accordance with United States Department of Transportation regulations, 49 CFR 171 (relating to general information, regulations, and definitions).

**Cylinder exchange cabinets**—A lockable and ventilated metal locker or rack for the storage of LPG cylinders that prevents tampering with valves and pilferage to the cylinders.

[ **Dealer**—Any person who sells liquefied petroleum gas to customers located in this Commonwealth except:

(i) Merchants who sell both liquefied petroleum gas and the container thereof where such container is 2 1/2 pounds of water capacity or less.

(ii) Public utilities regulated by the Public Utility Commission distributing liquefied petroleum gas by pipelines.

(iii) Producers not selling to users directly. ]

**Dispensing station**—Fixed equipment with an aggregate of 2,000 or less gallons of water capacity where LPG is stored and dispensed into portable containers.

**Distributor**—

(i) A person authorized by the Department to sell or transfer LPG.

(ii) The term includes a cylinder exchange cabinet or a dispensing station.

**Gallons**—The term shall be measured in terms of water capacity.

**GPS**—Global positioning system.

[ **Industrial and utility user**—Any person who is the consumer of liquefied petroleum gas who maintains total storage capacity of 2,000-gallons water capacity or more. ]

**Industrial Board**—The Industrial Board of the Department established under sections 445 and 2214 of The Administrative Code of 1929 (71 P. S. §§ 155 and 574), which hears requests for variances and extensions of time and appeals of Department interpretations regarding LPG matters.

**Industrial user**—A person who is the consumer of LPG and who maintains a total storage capacity at a site of more than 2,000 gallons and whose storage tanks are not registered under a distributor. This consumer may be a residential or a commercial location.

[ **Industry**—Standards developed by the National Fire Protection Association for the storage and handling of liquefied petroleum gases (NFPA-58) and the installation of gas appliances and gas piping (NFPA-54). ]

**LPG**—Liquefied petroleum gas.

**LPG facility**—Distributors, bulk plants and industrial users.

**Liquefied petroleum gas**—[ Any substance in a liquefied or gaseous state which is composed predominately of any hydrocarbon such as propane, propylene, butane, normal butane or isobutane and butylene or their mixtures. ] A material in liquid form that is composed predominately of any of the following hydrocarbons or their mixtures:

(i) Propane.

(ii) Propylene.

(iii) Normal butane or isobutane.

(iv) Butylenes.

**NFPA**—National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

**NFPA-54**—The "National Fuel Gas Code," 2006 edition, issued by the NFPA.

**NFPA 58**—The "Liquefied Petroleum Gas Code," 2008 edition issued by the NFPA.

**NGPA**—National Propane Gas Association, 1150 17th Street, NW Suite 310, Washington, DC 20036-4523 or its current address.

**National Board**—National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229 or its current address.

**National Board Inspection Code**—The "National Board Inspection Code," 2007 Edition, issued by the National Board.

**Person**—[ Any ] An individual, firm, partnership, unincorporated association, corporation, [ or municipality and ] political subdivision or authority, including the Commonwealth.

[ **System**—An assembly of the cylinder or cylinders, tank or tanks and auxiliary equipment, with the piping connecting such parts. This term does not include any public utility distribution systems. ]

**Tank**—A portable or stationary ASME approved vessel used [ on storing ] to store [ liquefied petroleum gas with a water weight capacity more than 1,000 pounds avoirdupois ].

*Transfer*—To cause LPG to pass from any pipeline, tank, container, tank truck, receptacle or storage location to a similar or different type of pipeline, tank, container, tank truck, receptacle or storage location.

§ 13.2. [ Purpose ] Scope.

[ (a) This subchapter sets forth rules to safeguard the lives, limbs and health of the public and of workers where liquefied petroleum gas is manufactured, handled or used.

(b) The employer, employe and user of liquefied petroleum gas shall have the responsibility of complying with the provisions of this subchapter. ]

This chapter applies to:

(1) The registration and permitting of bulk plants, distributors, industrial users, dispensing stations and cylinder exchange cabinets.

(2) The storage, transfer, sale and use of LPG.

(3) The design, construction, location, operation and inspection of tanks, cylinders, equipment, piping and appliances used in the handling, storage and use of LPG.

(4) The approval of training programs for authorized attendants who transfer LPG.

§ 13.3. [ Administration ] Fees.

[ All industrial and utility users of liquefied petroleum gas with storage facilities in excess of 2,000 gallons water capacity and all bulk plants and dealers in liquefied petroleum gas shall comply with the registration provisions of the act of December 27, 1951 (P. L. 1793, No. 475), as amended (35 P. S. §§ 1321—1329). ]

(a) The following fees apply to facility applications, plan approvals, permits and training program certifications. Fees are nonrefundable.

(1) Annual permit and registration fees:

(i) Bulk plants with the following storage capacities:

- (A) 30,000 gallons or less \$ 90
- (B) 30,001 to 90,000 gallons 135
- (C) 90,001 gallons or more 180

(ii) Industrial users with the following storage capacities:

- (A) 2,001 to 30,000 gallons \$ 45
- (B) 30,001 to 180,000 gallons 90
- (C) 180,001 gallons or more 180

(iii) Distributors, other than cylinder exchange cabinets, having the following number of customers:

- (A) Less than 1,000 \$ 112.50
- (B) 1,000 to 2,999 235
- (C) 3,000 to 5,999 337.50
- (D) 6,000 or more 450

(iv) Cylinder exchange cabinet location \$ 50 (per physical address)

(2) Application and plan review, including Fire safety analysis review, for new LPG facilities ex-

ceeding 400,000 gallons and existing LPG facilities expanded to exceed 400,000 gallons in total capacity \$ 500

(3) Application and plan review fee:

(i) For a facility 4,001 to 400,000 gallons in total capacity \$ 150

(ii) For a facility less than 4,001 gallons in total capacity \$ 50

(4) Duplicate permit fee \$ 25

(5) Authorized attendant training program approval \$ 200

(6) Request for Industrial Board variance, appeals and extensions of time \$ 100

(b) The Department will invoice bulk plant owners, industrial users and distributors annually for each location of usage. Payment is due within 30 days of invoice date.

§ 13.4. [ Scope ] Adoption of National standards.

(a) [ The provisions of this subchapter apply to the design, construction, transportation, handling, location, operation, and inspection of tanks, cylinders, equipment, piping, appliances, and transportation facilities utilized in the handling, transportation, and use of liquefied petroleum gas as defined in this subchapter.

(b) The provisions of §§ 13.11—13.29 (relating to general requirements) apply to all classes of vessels and equipment.

(c) The provisions of §§ 13.31—13.45 (relating to special requirements) apply to the particular vessels and equipment designated in each individual section, in addition to the requirements of §§ 13.11—13.29.

(d) Standards as developed for the 1976 edition of the Storage and Handling of Liquefied Petroleum Gases (NFPA # 58) and the 1969 edition of the Installation of Gas Appliances and Gas Piping (NFPA # 54), are part of these regulations by reference and shall govern only when they are more inclusive or more stringent than the Pennsylvania Regulations for Liquefied Petroleum Gas. ]

The Department adopts the following standards and any of the standards' published cases, interpretations or tentative interim amendments approved by the Industrial Board under this chapter and the act. Other authorities referenced in these standards are adopted if the authority is not excluded in subsection (b):

- (1) NFPA 54.
- (2) NFPA 58.

(b) The Department will not adopt the following NFPA 58 provisions:

- (1) Chapter 9 (relating to Vehicle transportation).
- (2) Chapter 13 (relating to Marine shipping and receiving).

(c) The following NFPA 58 provisions which will take effect on the enumerated dates:

(1) Chapter 5, section 5.2.3 regarding the requalification of cylinders filled onsite, effective January 1, 2013.

(2) Chapter 6, section 6.25 regarding fire safety analysis for existing installations, effective January 1, 2012.

(3) Chapter 5, section 5.7.4.2(d) regarding the installation of valves for existing installations, effective January 1, 2018.

(4) Chapter 6, section 6.11 regarding the installation of internal valves for existing installations, effective January 1, 2018.

(d) The Industrial Board may also approve any NFPA 54 and 58 published cases, interpretations or tentative interim amendments as standards for use under the act and this chapter. Provisions enumerated in subsection (b) may not be approved.

§ 13.5. [ Penalty ] Registration and annual permits.

[ Any person who violates any of the provisions of this subchapter and any regulations of the Department, or who interferes with the Department or its duly authorized representative in the enforcement of such provisions shall be subject to summary proceedings before an alderman, magistrate, or justice of the peace, and upon conviction shall be penalized under the provisions of act of May 2, 1929 (P. L. 1513, No. 451) (35 P. S. § 1318) and section 7 of act of December 27, 1951 (P. L. 1793, No. 475) (35 P. S. § 1327). ]

(a) An operator of an LPG bulk plant, a distributor and an industrial user shall register annually with the Department on a registration form provided by the Department.

(b) An applicant for registration shall submit a completed registration form, the annual fee required under § 13.3 (relating to fees) and a valid copy of an industry standard insurance certificate equal to or greater than the amount of liability insurance required under § 13.6 (relating to insurance).

(c) The Department will issue an annual permit. The permit shall be posted at the location of each bulk plant, distributor and industrial user.

§ 13.6. [ Certificates of registration ] Insurance.

[ (a) A person shall be billed for each class of registration required by section 3.2 of the act (35 P. S. § 1323.2).

(b) Dealers shall be billed for on certificate based on the total number of customers served regardless of the number of locations used in the dealership.

(a) Bulk plant owners shall be billed for a certificate for each location of bulk plants.

(b) Industrial and utility users shall be billed for a certificate for each location of usage.

(c) Certificates shall be posted at the location of each bulk plant and industrial and utility usage and the original certificate shall be posted at the main office of dealers with photocopies of the certificate to be posted at each dealership location. ]

An LPG facility shall obtain and maintain policies of liability insurance in the following amounts:

(1) An LPG facility with a storage capacity of not more than 9,000 gallons shall maintain minimum liability coverage of \$250,000.

(2) An LPG facility with a storage capacity in excess of 9,000 gallons shall maintain minimum liability coverage of \$1 million per incident and \$2 million in the aggregate.

§ 13.7. [ Notification to Department ] Transfer by authorized attendant and supply.

[ The owner of a bulk plant shall, 15 days prior to the installation modification or removal of storage facilities, notify the Boiler Division, Bureau of Occupational and Industrial Safety, of these activities. ]

The following paragraphs apply to LPG transfer and supply:

(1) Only authorized attendants may transfer LPG.

(2) A distributor may not supply LPG to any bulk plant, industrial user or other distributor unless the distributor has a current annual permit.

*(Editor's Note: The Department is proposing to rescind §§ 13.11—13.17 as they currently appear in the Pennsylvania Code in pages 13-6—13-9 (serial pages (220114)—(220117)).)*

§§ 13.11—13.17. (Reserved).

#### [ GENERAL REQUIREMENTS ]

##### Subchapter B. REQUIREMENTS FOR FACILITIES, TANKS AND CYLINDERS

§ 13.20. [ Vessels filled at installation ].

Application process and plan approval.

[ Filing connections on tanks and cylinders which are filled at the installation shall be provided with effective check valves. ]

(a) All of the following entities shall submit an application to the Department before installation or modification:

(1) An owner or operator of an LPG tank exceeding 2,000 gallons capacity.

(2) An owner or operator of a fixed location with aggregate capacity exceeding 4,000 gallons.

(3) An owner or operator of a dispensing station or a cylinder exchange cabinet location.

(b) The application must contain the following:

(1) A completed registration form and proof of valid insurance required by § 13.5 (relating to registration and annual permit).

(2) The appropriate fee required by § 13.3 (relating to fees).

(3) Plans that contain the following information:

(i) Equipment to be installed.

(ii) Distances of equipment to buildings and property lines.

(iii) Security measures provided.

(iv) Fire protection measures provided.

(v) Vehicle protection measures provided.

(4) A fire safety analysis required by NFPA 58, Chapter 6, section 6.25.

(5) A manufacturer's data report (U1-A) for each unfired pressure vessel.



(c) A Department-provided notice of intent to install form may be submitted instead of the plans required under subsection (b)(3) for the following:

(1) A distributor installing or expanding a bulk plant with a capacity of less than 9,000 gallons.

(2) An industrial user with a total storage capacity of less than 9,000 gallons.

(d) The Department will inspect applicants under subsections (a) and (c) for compliance with the plans or notice of intent to install before issuance of the initial annual permit.

(e) If the inspection reveals a violation of the act or this chapter, the Department will issue a written notice of deficiency to the owner or operator. The written notice of deficiency will contain a certification to be completed by the owner or operator certifying that the deficiencies were corrected. The Department will not issue an annual permit unless the certification is executed by the owner or operator and returned to the Department after the deficiencies are corrected.

(f) An owner or operator may not operate an LPG tank, fixed location, dispensing station or cylinder exchange cabinet until it receives an annual permit issued by the Department.

(g) A manufacturer shall register a data report (U1-A) for each unfired pressure vessel with the National Board.

§ 13.21. [ Vaporizers ] LPG facilities over 400,000 gallons.

[ Vaporizers shall not be installed inside of any storage tank or cylinder. ]

(a) The owner or operator of a new LPG facility in excess of 400,000 gallons or an existing LPG facility expanded to exceed 400,000 gallons shall submit an application to the Department which includes the following:

(1) A completed registration form required by § 13.5 (relating to registration and annual permits) and a completed application required under § 13.20 (relating to application process and plan approval).

(2) Documentation and plans providing all of the following information:

(i) Storage quantities.

(ii) Proximity to populated areas and public ways.

(iii) The impact of any rejection from the Department upon the LPG facility's ability to service current and anticipated consumer needs and upon the LPG facility's business investment.

(iv) The risk to and from existing adjacent facilities.

(v) Topography of the site.

(vi) Access for emergency vehicle response.

(vii) Public and private utilities.

(viii) Requirements for receipt or shipment of products.

(ix) Compliance with local land use ordinances.

(x) The safety plan proposed by the LPG facility, such as emergency systems, spill containment, fire protection, fencing and lighting.

(3) Proof of notification to the municipality required in subsection (b). The Department will accept a copy of the notification and signed certified mail receipt card as proof of notification to the municipality.

(4) The appropriate fee required under § 13.3 (relating to fees).

(b) The applicant shall notify the municipality where the facility is located by certified mail that an application is being filed with the Department.

(c) The Department will publish a notice of the application in the *Pennsylvania Bulletin* within 10 business days of receipt of the application. An aggrieved party may file a protest with the Department 45 days from the publication of the notice. A municipality or county may file written comment with the Department within 45 days from publication of the notice.

(d) Within 90 days of publication of the notice, the Department will issue a written determination containing the approval or disapproval of the application. The Department will send a copy of the determination by certified mail to the applicant and to all parties who filed a notice of protest or submitted written comments.

(e) The facility owner or operator may not install or operate the facility or the expanded portion of the facility until it has received an annual permit issued by the Department.

§ 13.22. [ Fuel for internal combustion engines ] Underground tanks.

(a) [ Intake and discharge connections on tanks as well as on cylinders, which are used to supply fuel directly to internal combustion engines, shall be labeled to designate whether they communicate with vapor or liquid space ] Underground tanks shall be installed in accordance with NFPA 58.

(b) [ A positive automatic shutoff valve or regulator shall be provided in the fuel system to prevent flow of gas to the mixer when the engine is not running ] A distributor shall keep records of all installation locations, including their location by GPS coordinates, for individual underground LPG tanks exceeding 2,000 gallons water capacity.

§ 13.23. [ Regulators ] Repairs and alterations to ASME vessels.

[ Pressure reducing regulators shall be connected to the shutoff valve directly or by means of a suitable flexible connection. In either case the connection shall be rigidly supported. ]

Repairs and alterations to ASME vessels shall be performed in accordance with the National Board Inspection Code.

§ 13.24. [ Openings ] Cylinder exchange cabinets.

[ There shall be no more than two plugged openings on a tank or cylinder of 2,000 or less gallons water capacity. ]

(1) A retailer or location using a cylinder exchange cabinet shall comply with section 8.4.1 of NFPA 58.

(2) The term "busy thoroughfares or sidewalks" contained in section 8.4.1.2(3) of NFPA 58 shall include sidewalks, concrete aprons and parking lots at retail establishments.

*(Editor's Note: The Department is proposing to rescind §§ 13.25—13.29 and 13.31—13.38 as they currently appear in the Pennsylvania Code in pages 13-11—13-16 (serial pages (220120) to (220124)).)*

§§ 13.25—13.29. (Reserved).

§§ 13.31—13.38. (Reserved).

#### [ SPECIAL REQUIREMENTS FOR CYLINDERS ]

##### Subchapter C. TRAINING PROGRAMS

§ 13.40. Training programs for authorized attendants.

(a) An individual shall satisfactorily complete a Department-approved training program to become an authorized attendant to transfer LPG.

(b) Programs must include training on all of the following:

(1) Physical properties and combustion characteristics of propane.

(2) Propane industry standards, safety codes and regulations.

(3) Basic parts of propane tanks, cylinders and bulk storage installations.

(4) Proper use of safety and protective equipment.

(5) Maintenance of safe working environment.

(c) Programs for attendants who will deliver LPG shall include all of the following training in addition to the training enumerated in subsection (b):

(1) Proper inspection, maintenance and operation of bulk propane delivery vehicles.

(2) Proper inspection and filling of propane storage containers.

(3) Proper delivery of propane, including exchange and filling of LPG containers.

(d) Programs for attendants who are employed in bulk plant operations must include the following training in addition to the training enumerated in subsection (b):

(1) Identification and installation of valves in propane storage containers.

(2) Identification and installation of gauges in propane storage containers.

(3) Safe removal of propane from tanks and cylinders at the plant and at the container site.

(4) Inspection, maintenance and filling of propane tanks and cylinders at the plant and at the container site.

(5) Proper unloading of propane transports and rail cars.

#### SPECIAL REQUIREMENTS FOR CYLINDERS

§ 13.41. [ Design, construction, test and inspection ] Training program approval.

(a) [ Cylinders shall be designed, constructed, tested and inspected in accordance with the re-

quirements of nationally accepted standards after approval of such standards by the Board ] The Department will approve LPG facility operator-provided training programs. An LPG facility operator that has individuals who transfer LPG shall submit a completed application for training program approval to the Department with a detailed description of its training program for authorized attendants and the appropriate fee under § 13.3 (relating to fees).

(b) [ To assist in the accomplishment of this requirement all distributors of liquefied petroleum gas shall keep accurate record of all installations at point of distribution, such records to be readily available to inspectors of the Department ] The Department will issue a program approval to each approved training program or inform the LPG facility operator in writing of its reasons for rejecting a training program.

(c) [ When LP-Gas and one or more other cylinder gases are stored or used side by side, labeling may be necessary to identify cylinder content. Such labeling shall be in compliance with American Standard ASA Z48.1-1954, Method of Marking Portable Compressed Gas Containers to Identify the Material Stored ] An LPG facility operator shall notify the Department in writing of any changes in an approved training program.

(d) Instead of developing and submitting a training program for authorized attendants, an LPG facility operator may utilize the Propane Education and Research Council training programs. The facility shall notify the Department in writing that it is using a Propane Education and Research Council training program.

(e) An LPG facility operator shall maintain training records for an authorized attendant as long as the authorized attendant is employed by the facility. The records shall contain the following information:

(1) The date of training.

(2) The name of authorized attendant.

(3) The name of course.

(4) The name of trainer or supervisor.

(f) The Department may revoke approval of any training program that does not comply with § 13.40 (relating to training programs for authorized attendants) or this section. Actions will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

*(Editor's Note: The Department is proposing to rescind §§ 13.42—13.45 as they currently appear in the Pennsylvania Code in pages 13-17 and 13-18 (serial pages (220125) and (220126)).)*

§§ 13.42—13.45. (Reserved).

#### [ VAPORIZERS ]

##### Subchapter D. ADMINISTRATION

§ 13.50. Suspension of annual permit for container.

The Department will suspend the annual permit for an LPG container and seal an LPG container that is unsafe or when there are violations of this

act or this chapter. A person, firm, partnership, or corporation operating an LPG container with a suspended annual permit or system containing an LPG container with a suspended annual permit is subject to the penalties of section 17 of the act (35 P. S. § 1329.17).

§ 13.51. [ Direct and indirect fired vaporizers ] Suspension of annual permit for an owner or operator.

[ (a) Direct fired vaporizers shall be constructed, marked, installed, and inspected as required by §§ 3.71—3.76, 3.81—3.87 and 3.131—3.136. ] The Department may suspend an owner's or operator's annual permit for any of the following reasons:

(1) Failure to pay the required registration fee in § 13.3 (relating to fees).

(2) Violation of the act or this chapter.

[ (b) Indirect fired vaporizers shall be constructed, marked, installed and inspected according to the requirements of §§ 3.141 and 3.151—3.156 except vaporizers having an inside diameter of six inches or less. Such vessels shall be designed and constructed as to safely sustain a working pressure of not less than 250 pounds per square inch. These vessels need not be permanently marked except for the nature of the manufacturer and the designed pressure.

(c) The application of direct heat to tanks and cylinders containing liquefied petroleum gas is prohibited. ]

§ 13.52. [ Location ] Notice of deficiency.

(a) [ Vaporizers shall be located with respect to adjacent tanks, cylinders and buildings in accordance with safe practices developed in the industry. ] The Department will use the following procedures to suspend an annual permit or for alleged violations of the act or this chapter:

(1) The Department will issue a written notice of deficiency to the owner or operator of the container or facility. The notice will contain a description of the deficiency, an order requiring repairs and correction of the deficiency and a compliance date. The notice will contain a certification to be completed by the owner or operator certifying that the required repairs were completed and the deficiency was corrected.

(2) The owner or operator shall execute the certification and submit it to the Department immediately after the required repairs are completed and the deficiency is corrected.

(3) If the owner or operator does not correct the deficiency within the period of time allowed in the notice of deficiency or fails to return the certification, the Department may issue an order to show cause under 1 Pa. Code § 35.14 (relating to order to show cause).

(i) The order to show cause will contain a statement of the grounds for the action, the alleged violations of the act and this chapter and notification that the container or facility may be placed out of service. The order to show cause will contain notification that the owner or operator shall submit

a written answer within 30 days. The Department will serve the order to show cause upon the owner or operator.

(ii) The owner or operator may file a written answer to the order to show cause with the Department within 30 days following service of the order to show cause under 1 Pa. Code § 35.37 (relating to answer to order to show cause). The answer must contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or regulation interpretation relied upon by the owner or operator. The answer may contain a request for a variance, an extension of time for compliance or an appeal. The Department will forward all requests for variances, extensions of time or appeals regarding interpretations of the regulation to the Industrial Board.

(b) [ The use of vaporizers in buildings where persons are employed, other than attendants, is prohibited except in buildings used exclusively in gas manufacturing and distribution ] The Department will consider the request for variance, extension of time, or appeal as a stay to an enforcement action.

(c) [ Where vaporizers are installed in buildings, rooms, housings, sheds or lean-tos used exclusively for gas manufacturing or distribution, such structures shall be of noncombustible construction or equivalent and well ventilated near the floor line and roof ] The Department will inspect the container or facility at the expiration of an extension of time or other time period granted for compliance under this section. If the container or facility violates the act or this chapter following inspection, the Department may seal the container or facility.

(d) [ Pressure regulating and pressure reducing equipment, if located close to a direct fired vaporizers, shall be separated from the open flame by a substantially airtight noncombustible partition or partitions ] The Department will issue an order to discontinue operation to the owner or operator for a violation that was not corrected. The Department will serve the order upon the owner or operator by certified mail or personal service. The order to discontinue operation will require the owner or operator to discontinue the use of the container or facility within 24 hours.

(e) After the container or facility is sealed, it may not be returned to service until the violations have been corrected, the repairs have been made and the Department removes the seal.

(f) A party aggrieved by a notice of deficiency or a notice to discontinue operation may appeal the order to the Industrial Board within 30 days of the issuance of the order. Appeals from the order of the Industrial Board's may be filed with the Commonwealth Court within 30 days of the date of the order.

(g) This section supplements 1 Pa. Code §§ 35.14 and 35.37 (relating to orders to show cause; and answers to orders showing cause).

§ 13.53. [ Drain protection ] Notice and hearing.

[ Drains to sewers or sump pits from vaporizers shall be adequately protected ] Actions of the De-

partment relating to notice of deficiency, a notice to discontinue operation or suspension of annual permit under §§ 13.50—13.52 (relating to suspension of annual permit for container; suspension of annual permit for an owner or operator; and notice of deficiency) will be taken subject to the right of notice, hearing and adjudication under 2 Pa.C.S. (relating to Administrative Law and Procedure) Proceedings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

§ 13.54. [ Liquid discharge ] Municipal preemption.

[ Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizers to the gas discharge piping. ] The Department has the sole right and ability to regulate all matters related to the operation of the LPG industry under section 15 of the act (35 P. S. § 1329.15).

(a) A municipality or other political subdivision may adopt or enforce an ordinance or regulation which differs from or conflicts in whole or in part with the act or this chapter regarding permits, licensing standards, fees, construction, installation, maintenance, operation, inspection, location or placement of LPG containers or LPG facilities or other matters related to this industry within this Commonwealth.

(b) A municipality may not prohibit placement of an LPG container in an existing yard setback area except to establish an absolute setback of 10 feet from a residential property line.

(c) A municipality may retain the right, under local zoning ordinances, to require an LPG facility to locate within approved residential, industrial commercial or other zones and to require an LPG facility to obtain zoning permits, pay zoning fees and undergo inspections related to the zoning of the LPG facility. A building at an LPG facility must comply with the municipal standards applied to primary structures.

*(Editor's Note: The Department is proposing to delete §§ 13.55—13.58, 13.61—13.68, 13.71—13.74, 13.81, 13.82, 13.91—13.96, 13.101, 13.102 and 13.111 as they currently appear in the Pennsylvania Code in pages 13-18—13-25 (serial pages (220126), (316911), (316912) and (220129) to (220133)).*

§§ 13.55—13.58. (Reserved).

§§ 13.61—13.68. (Reserved).

§§ 13.71—13.74. (Reserved).

§ 13.81. (Reserved).

§ 13.82. (Reserved).

§§ 13.91—13.96. (Reserved).

§§ 13.101.(Reserved).

§ 13.102. (Reserved).

§ 13.111. (Reserved).

[Pa.B. Doc. No. 09-1320. Filed for public inspection July 24, 2009, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 14, 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

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-3-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	712 Broad Street Riverton Burlington County, NJ	Opened
7-14-2009	Firsttrust Savings Bank Conshohocken Montgomery County	Shoppes at Valley Square Building 15 Street and Easton Roads Warrington Township Bucks County	Authorization Surrendered

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-2-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	604 Main Street Riverton Burlington County, NJ	Closed

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-1321. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Weatherization Assistance Programs Amended State Plan

The Department of Community and Economic Development (Department) publishes notice of a public hearing to

be held on Wednesday, August 5, 2009, from 9:30 a.m. to 11:30 a.m. in Hearing Room 4, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Amended Weatherization Assistance Program's State Plan to be submitted to the United States Department of Energy for the program year 2009-2012, regarding the use of the American Recovery and Reinvestment Act of 2009 (42 U.S.C.A. § 5301) funding.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development,

Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984 or it can be downloaded from the Department's web site at [www.newpa.com](http://www.newpa.com).

Persons who wish to provide public testimony, contact Yvonne Adams at (717) 787-1984 for an available time slot.

Written comments may be submitted to Craig Heim, Executive Director, Office of Energy Conservation and Weatherization, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on August 5, 2009.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, contact Yvonne Adams at (717) 787-1984 to discuss how the Department may accommodate their needs.

GEORGE E. CORNELIUS,  
*Acting Secretary*

[Pa.B. Doc. No. 09-1322. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### **Agora Cyber Charter School; Nonrenewal Charges and of Hearing Notice of Revocation; Public Hearing**

Notice is hereby given that the Department of Education (Department) will conduct a public hearing before Hearing Officer Debra K. Wallet, Esquire on Notice of Revocation/Nonrenewal Charges and Hearing for the purpose of determining whether the charter of the Agora Cyber Charter School should be revoked and/or not renewed on Monday and Tuesday, August 3 and 4, 2009, at 10 a.m. in Heritage Room B, Lobby Level, 333 Market Street, Harrisburg, PA.

The purpose of the hearing is for the Department to present evidence in support of the grounds for revocation or nonrenewal stated in its Notice of Charges and to give the charter school reasonable opportunity to offer testimony before taking final action. The Notice of Charges is published on the Department's web site at [http://www.pde.state.pa.us/charter\\_schools/agora](http://www.pde.state.pa.us/charter_schools/agora).

Additionally, before formal action is taken by the Department the public has 30 days to provide comments to the Department. Written comments should be submitted on or before August 3, 2009, to the Office of Chief Counsel, of the Department and sent by regular mail or

electronic mail to the Office of Chief Counsel, Department of Education, 333 Market Street, 9th Floor, Harrisburg, PA 17126-0333, [ra-edlegal@state.pa.us](mailto:ra-edlegal@state.pa.us).

GERALD L. ZAHORCHAK, D.Ed.,  
*Secretary*

[Pa.B. Doc. No. 09-1323. Filed for public inspection July 24, 2009, 9:00 a.m.]

### **Application of Jeffrey M. Smith for Reinstatement of Teaching Certificates; Doc. No. Re-09-02**

#### **Hearing**

Under the Professional Educator Discipline Act (act) (24 P.S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Jeffrey Smith for reinstatement of his teaching certificates.

Jeffrey Smith filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16) and 1 Pa. Code §§ 35.1 and 35.2 (relating to applications). Under section 16 of the act, the Department of Education on June 30, 2009, advised the Commission that it did not oppose the application for reinstatement.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,  
*Secretary*

[Pa.B. Doc. No. 09-1324. Filed for public inspection July 24, 2009, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035629 Sewage	Department of Transportation Safety Rest Area 39 Interstate 80 Eastbound	Luzerne County Foster Township	Linesville Creek Watershed 2A	Y
PA0063118 Industrial Waste	Tri-Cel Plastic Co. 1149 Franklin Street Old Forge, PA 18518	Old Forge Borough Lackawanna County	Tributary to St. John's Creek 5A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064335 (Industrial Waste)	Gulf Oil Limited Partnership 275 Washington Street Suite 300 Newton, MA 02458-1646	Pittston Township Luzerne County	Collins Creek 05A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247537 (IW)	Cherry Place Properties Four Seasons Produce 400 Wabash Road Ephrata, PA 17522	Lancaster County East Cocalico Township	7J Cocalico Creek	Y
PA0024708 (Sew)	Municipal Authority of the Township of Union P. O. Box 5625 Belleville, PA 17004-9701	Mifflin County Union Township	12A Kishaccoquillas Creek	Y
PA0246611 (Sew)	Borough of Strausstown P. O. Box 325 Strausstown, PA 19559	Berks County Strausstown Borough Upper Tulpehocken Township	3C Jackson Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0044067	Fish and Boat Commission 1735 Shiloh Road State College, PA 16801-8495	Union Township Erie County	UNT to Bentley Run 16A	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.*

**PA0051730**, Sewage, **Philadelphia Country Club**, 1601 Spring Mill Road, Gladwyne, PA 19035. This facility is located in Lower Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage.

The receiving stream, Pond on Sawmill Run, is in the State Water Plan Watershed 3F and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for the City of Philadelphia-Queen Lane located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia (as N)				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Total Residual Chlorine	0.5			1.2
Fecal Coliform	200/100 ml as a Geometric Mean nor greater than 1,000#/100 ml			
Dissolved Oxygen	Minimum of 4.0 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. Designation of Responsible Operator.
2. Abandon when Municipal Sewers Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.



7. Change in Ownership.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. 2/Month Monitoring.
11. Laboratory Certification.

The EPA waiver is in effect

**PA0045187**, SEW, SIC 6515, **Richland Meadows, Inc.**, 232 Yankee Road, Lot 500, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 80,000 gpd of treated sewage into dry swale to Morgan Creek.

The receiving stream, dry swale to Morgan Creek, is in the State Water Plan Watershed 2D and is classified for: TSF. The nearest downstream public water supply intake for Forest Park Water Filtration Plant is located on Neshaminy Creek and is 11.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 80,000 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>	<i>Instantaneous Minimum</i>
Flow	Monitor and Report			
CBOD <sub>5</sub>				
(5-1 to 10-31)	3.3	5	10	
(11-1 to 4-30)	6.6	10	20	
Suspended Solids	20	30	60	
Ammonia as N				
(5-1 to 10-31)	0.66	1	3	
(11-1 to 4-30)	2.0	3	9	
Phosphorus as P	0.33	0.5	1.0	
Fecal Coliform		200 #/100 ml	1,000	
Dissolved Oxygen				6.0
pH (Standard Units)			9.0	6.0
Total Residual Chlorine		0.2	0.6	

In addition to the effluent limits, the permit contains the following Other Requirements:

1. Abandon STP.
2. Remedial Measures.
3. No Stormwater.
4. Property Rights.
5. Dry Stream Discharge.
6. Change of Ownership.
7. Sludge Disposal.
8. Laboratory Certification.
9. Special Protection Waters (SPW) Discharge.

**PA0053180**, Sewage, SIC 4952, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. This existing facility is located in Montgomery Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from the Eureka wastewater treatment plant.

The receiving stream, Little Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 27 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.4 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10/31)	10	15		20
(11-1 to 4/30)	20	30		
Total Suspended Solids	30	45		40
Ammonia as N				
(5-1 to 10-31)	2.0			60
(11-1 to 4-30)	4.0			4.0

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P (4-1 to 10-31)	0.65			8.0
(11-1 to 3-31)				1.3
(Issuance through Year 2)	Monitor			Monitor
(Year 3 through Expiration)	1.3			2.6
Fecal Coliform (col/100 ml)	200			1,000*
Dissolved Oxygen	5.0 Minimum, Monitor			
(NO <sub>2</sub> +NO <sub>3</sub> ) as N: (7-1 to 10-31)	9.0			18.0
(11-1 to 6-30)	Monitor			Monitor
pH (Standard Units)	6.0, 1-Minimum			9.0
Total Residual Chlorine	0.025			0.083
Total Kjeldahl Nitrogen	Monitor			Monitor

\* Not to exceed 1,000 col/100 ml in greater than 10% of samples.

The proposed effluent limits for stormwater Outfall 002 are based on the design flow of an average stormwater event:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi-Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor		Monitor	
COD	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
pH (Standard Units)	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
Iron (dissolved)	Monitor		Monitor	
Fecal Coliform (col/100 ml)	Monitor		Monitor	

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

1. Notification of Designated Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sanitary Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change in Ownership.
8. Chlorine Minimization.
9. Proper Sludge Disposal.
10. TMDL/WLA Analysis.
11. Whole Effluent Toxicity Testing with Renewal.
12. Instantaneous Maximum Limitations.
13. Stormwater Conditions.
14. Operator Training.
15. Operations and Maintenance Plan.
16. Laboratory Certification.
17. Fecal Coliform Reporting.

The EPA waiver is not in effect.

**NPDES Permit No. PA0050466, Amendment 1, Sewage, SIC 4952, East Vincent Municipal Authority—Veterans Center Sewage Treatment Plant, 262 Ridge Road, Spring City, PA 19475.** This proposed facility is located in East Vincent Township, Chester County.

Description of Activity: Amendment of Sewage Treatment Plant's NPDES permit to discharge effluent to the Schuylkill River. The amendment was initiated by the Department of Environmental Protection to settle the appeal.

The receiving water, the Schuylkill River, is in the State Water Plan Watershed 3E—Perkiomen and is classified for: WWF. The nearest downstream public water supply intake for Aqua-PA (Phoenixville) is located approximately 3.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.5 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	15	23		30
Ammonia as N	4.0			8.0
Total Residual Chlorine	0.2			0.4
Fecal Coliform	200 #/100 ml (as Geometric Mean)			1,000 #/100 ml*
Dissolved Oxygen	5.0 (Minimum)			
pH (Standard Units)	6.0 (Minimum)			9.0 (Maximum)

\* Shall not exceed in more than 10% of samples.

The EPA waiver is in effect.

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

1. Average Weekly Definition.
2. Designated Operator Notification.
3. Remedial Measures if Creates a Public Nuisance.
4. No Stormwater.
5. Acquiring Necessary Property Rights.
6. Proper Sludge Disposal.
7. Watershed TMDL/WLA Analysis.
8. Operator Certification Requirement.
9. I-Max Requirement.
10. Laboratory Certification Requirements.
11. Change in Ownership.
12. Optimize Chlorine Use.
13. Operations and Maintenance Plan.

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

**Application No. PA 0053708**, Industrial Waste, SIC Code 7011, **Hawk Mountain Bed and Breakfast**, 223 Stony Run Valley Road, Kempton, PA 19529. This facility is located in Albany Township, **Berks County**.

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

The receiving stream, Stony Run, is in Watershed 3-B, and classified for: CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is City of Reading located on the Maiden Creek, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 based on a design flow of 0.002 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Dissolved Oxygen			Minimum of 5.0 at all times		
pH			From 6.0 to 9.0 inclusive		
Total Residual Chlorine			1.5		2.5
Total Suspended Solids			30		6.0
CBOD <sub>5</sub>			25		50
NH <sub>3</sub> -N			20		40
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		

## NOTICES

## Lake Ontelaunee TMDL

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Suspended Solids					
The proposed final effluent limits for Outfall 001 based on a design flow of 0.002 mgd are:					
Dissolved Oxygen			Minimum of 5.0 at all times		
pH			From 6.0 to 9.0 inclusive		
Total Residual Chlorine			0.5		1.6
Total Suspended Solids			30		6.0
CBOD <sub>5</sub>			25		50
NH <sub>3</sub> -N			20		40
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		

## Lake Ontelaunee TMDL

Parameter	Mass (lbs)	
	Monthly Report	Annual Report
Total Suspended Solids		182

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

The EPA waiver is not in effect.

**Application No. PA 0261327**, Industrial Waste, SIC Code 4922, **Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451. This facility is located in Juniata and Harrison Townships, **Bedford County**; Ayr Township, **Fulton County**; and Peters Township, **Franklin County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated industrial waste associated with hydrostatic testing of natural gas pipelines.

*Outfall 001 and 002 (Juniata Township, Bedford County):* The receiving stream, UNT of Little Wills Creek, is in Watershed 13A, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is in Hancock, MD located on the Potomac River. The discharge is not expected to affect the water supply; and

*Outfall 003 (Juniata Township, Bedford County):* The receiving stream, Little Wills Creek, is in Watershed 13A, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is in Hancock, MD located on the Potomac River. The discharge is not expected to affect the water supply; and

*Outfall 004 (Harrison Township, Bedford County):* The receiving stream, UNT of Little Wills Creek, is in Watershed 13A, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is in Hancock, MD located on the Potomac River. The discharge is not expected to affect the water supply; and

*Outfall 005 (Ayr Township, Fulton County):* The receiving stream, Big Cove Creek, is in Watershed 13B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is in Hagerstown, MD located on the Potomac River. The discharge is not expected to affect the water supply; and

*Outfall 006 (Peters Township, Franklin County):* The receiving stream, UNT to West Branch Conococheague Creek, is in Watershed 13C, and classified for TSF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is in Hagerstown, MD located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—004 are:

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)	Report	Report	XXX	XXX	XXX
Duration (Hours)	XXX	Report	XXX	XXX	XXX
pH (Standard Units)	XXX	XXX	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	10
Oil and Grease	XXX	XXX	XXX	XXX	5
Iron	XXX	XXX	XXX	XXX	1.5
Benzene	XXX	XXX	XXX	XXX	Non-Detect

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Ethylbenzene	XXX	XXX	XXX	XXX	Non-Detect
Toluene	XXX	XXX	XXX	XXX	Non-Detect
Xylenes, Total	XXX	XXX	XXX	XXX	Non-Detect
BTEX	XXX	XXX	XXX	XXX	Non-Detect
PCBs (total)	XXX	XXX	XXX	XXX	Non-Detect
Total Residual Chlorine	XXX	XXX	XXX	XXX	Non-Detect

The proposed effluent limits for Outfalls 005 and 006 are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Report	Report	XXX	XXX	XXX
Duration (Hours)	XXX	Report	XXX	XXX	XXX
pH (Standard Units)	XXX	XXX	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	XXX	XXX	XXX
Suspended Solids	XXX	XXX	XXX	XXX	60
Oil and Grease	XXX	XXX	XXX	XXX	30
Iron	XXX	XXX	XXX	XXX	7.0
Benzene	XXX	XXX	XXX	XXX	0.0025
Ethylbenzene	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	Report
BTEX	XXX	XXX	XXX	XXX	0.25
PCBs (total)	XXX	XXX	XXX	XXX	Report
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.05

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.

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

**PA0263508**, Sewage, **William J. and Patricia S. Sopp**, 8983 Neuburger Road, Fairview, PA 16415. This facility is located in McKean Township, **Erie County**.

Description of Proposed Activity: This application is for a new NPDES permit to discharge treated sanitary sewage from a small flow treatment facility serving two-single residences and a kennel in McKean Township, Erie County.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no existing/proposed downstream potable water supply to consider until Lake Erie.

The receiving stream, a UNT to Elk Creek, is in Lake Erie Watershed and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001500 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
NH <sub>3</sub> -N	6.0		12.0
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Phosphorus as "P"	1.0		
Total Residual Chlorine	1.4		3.3
Fecal Coliform		200/100 ml as a Geometric Average	
pH		6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

**PA0222267, Amendment 1**, Sewage, **Dennis P. and Laura A. Baker**, 367 Briar Lane, Corry, PA 16407. This facility is located at Lovett's Mobile Home Park, Laycock Road, Edinboro, PA 16412 in Washington Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES amendment to increase the discharge of treated sewage from a proposed sewage treatment plant designed to serve a mobile home park expansion.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority intake on French Creek, located in Franklin, PA, approximately 26.5 miles below point of discharge.

The receiving stream, an impoundment at the headwaters of Darrows Creek, is in Watershed 16-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.020 mgd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	0.5		1.2
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	
pH		6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

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

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

**WQM Permit No. 2109404**, Sewerage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of sanitary sewer pumping station rehabilitation project. Project proposes addition of new pumps to the Messic Avenue, Eric Avenue, Alison Avenue, Market Street and Edgewood Drive pumping stations. Various physical site improvements are also included, such as new alarms to all pumping stations, a site fence (Apple, Messic, Eric, Alison) backup power (all but Eric), and new valve vaults (Messic and Alison). No additional wastewater flows will be added due to this project.

**WQM Permit No. 6709201**, Industrial Waste, **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362. This proposed facility is located in Spring Grove and North Codorus Townships, **York County**.

Description of Proposed Action/Activity: Installation/Operation of pump station, surface impoundment, spray coolers, piping controls and other appurtenances to provide cooling of the effluent prior to Outfall 001.

**WQM Permit No. 2198404**, Sewerage, **Kenneth and Joellen Russell**, 635 Mohawk Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

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

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

**WQM Permit No. 2495405**, Sewerage, **Amendment No. 1, Highland Township Municipal Authority**, P. O. Box 143, James City, PA 16734-0143. This proposed facility is located in Highland Township, **Elk County**.

Description of Proposed Action/Activity: A minor amendment to the sewage treatment facility which would install a comminutor prior to the lift station.

**WQM Permit No. 2509402**, Sewerage, **William J. and Patricia S. Snopp**, 8983 Neuburger Road, Fairview, PA 16415. This proposed facility is located in McKean Township, **Erie County**.

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

**WQM Permit No. 2580202**, Sewerage, **Amendment No. 1, Welch Foods, Inc.**, P. O. Box 471, North East, PA 16428. This proposed facility is located in North East Borough, **Erie County**.

Description of Proposed Action/Activity: Welch's is submitting this application to modify the WQM permit to redesignate the use of Lagoon No. 2 for cooling of noncontact cooling water only, and eliminate the use of Lagoons No. 1 and No. 3.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0115 09021	Department of General Services 18th and Herr Streets Harrisburg, PA 17120 Lincoln University—Phase II	Chester	Lower Oxford Township	McDonald Run West Branch Big Elk Creek HQ-TSF-MF

*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 &amp; 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509005	Ray Patalsky 1209 Route 286 Export, PA 15632	Westmoreland	Murrysville Borough	UNT to Turtle Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062709001	Department of General Services SCI Forest 18th and Herr Streets Harrisburg, PA 17120	Forest	Jenks Township	Scott Run HQ-CWF

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

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

## **STATE CONSERVATION COMMISSION**

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

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

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

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

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

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

## NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Herman Zeager 159 Yoder Road Bainbridge, PA 17502	Lancaster	5	458.6	Hogs	NA	Renewal
GNH Farms, LLC	Columbia	325.9	343.88	Layers Beef Horse	HQ	New

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Sperry Farms 11420 Sperry Road Atlantic, PA 16111	Crawford	566	3,408	Layers	NA	Application

### PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### SAFE DRINKING WATER

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

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

Permit No. 3009503, Public Water Supply.	
Applicant	<b>Southwestern Pennsylvania Water Authority</b> P. O. Box 187 1442 Jefferson Road Jefferson, PA 15344
Township or Borough	Cumberland Township
Responsible Official	Joseph Simatic, Manager Southwestern Pennsylvania Water Authority P. O. Box 187 1442 Jefferson Road Jefferson, PA 15344
Type of Facility	Water treatment plant
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	July 6, 2009
Description of Action	Installation of an anhydrous ammonia feed system (chloramination) at the Authority's Tin Can Hollow water treatment plant.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release



of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Paint Mill Road Property**, Paint Mill Road, Washington Township, **Lehigh County**. William Gilchrist, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 has submitted a Notice of Intent to Remediate (on behalf of his client Lehigh County, Lehigh County Government Center, 17 South Seventh Street, Allentown, PA 18101), concerning the remediation of soil found to have been impacted by inorganics (arsenic and hexavalent chromium) as a result of historical operations at an adjacent former paint and pigment factory. The applicant proposes to remediate the site to meet the Site-Specific Standard. Lehigh County intends to develop the property with a parking area, an access road and a boat ramp for recreational access to the rail to trails along the Lehigh River and access to the Lehigh River itself. A summary of the Notice of Intent to Remediate is

expected to be published in a local newspaper serving the general area sometime in the near future.

**Myck Property**, 115 Windwards Lane, Delaware Township, **Pike County**. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of his client, Phillip Myck, 115 Windwards Lane, Dingmans Ferry, PA 18328), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon, aboveground storage tank as the result of a cracked fuel line. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property will be residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Tower 80 81, LLC**, 231 Tracey Lane, Butler Township, **Luzerne County**. Ann Logue, CMX, 1555 Bustard Road, Suite 50T, Lansdale, PA 19446 has submitted a Notice of Intent to Remediate (on behalf of her client, Tower 80 81, LLC, 680 Kindermack Road, River Edge, NJ 07661), concerning the remediation of soil found to have been impacted by heating oil as a result of a release from an unregulated 275-gallon, aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The property will continue to be utilized for residential purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**American Rock Salt Co., LLC**, City of Dubois and Sandy Township, **Clearfield County**. EnSol, Inc., 661 Main Street, Niagara Falls, NY 14302 on behalf of American Rock Salt Co., LLC, P. O. Box 190, Mt. Morris, PA 14510 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with inorganics, including chlorides. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property will remain a salt stockpile area.

**Bailey Property**, Mount Carmel Township, **Northumberland County**. Marshall Miller & Assoc., Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Duke Heating Oil, Inc., P. O. Box 182, Shamokin, PA 17872 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will remain residential.

**Watson Business Park, LLC**, Watson Borough, **Northumberland County**. Milesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Veris Yordy, Watson Business Park, LLC, P. O. Box 25, Dewart, PA 17730 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with metals and VOCs. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property will remain industrial.

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

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

**23-0003N: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061-3812) on July 14, 2009, for modification of NOx emission limits and average capacity of the FCCU feed heater at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This modification will not result in NOx emission increase. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**06-05024C: RRI Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on June 23, 2009, for installation of two test control devices on the three main boilers at the Titus Generating Station in Cumru Township, **Berks County**. This plan approval was modified due to a change in the name of the facility owner.

**21-05011B: Frog, Switch & Manufacturing Company** (600 East High Street, Carlisle, PA 17013) on July 8, 2009, for revision to the pressure drop range stated in the Continuous Assurance and Monitoring Plan for the two electric arc furnaces in the Carlisle Borough, **Cumberland County**.

**34-03005D: Energex American, Inc.** (R. R. 5, Box 343, Mifflintown, PA 17059-9576) on July 10, 2009, for installation of a replacement wood-fired dryer and wet scrubber emissions control system at their plant in Walker Township, **Juniata County**.

**36-05148A: Country Value Woodworks, LLC** (2302 Beaver Valley Pike, New Providence, PA 17560-9610) on July 6, 2009, for operation of a wood furniture finishing operation in Providence Township, **Lancaster County**.

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

**37-268B: Commercial Asphalt Supply, Inc.** (161 Plain Grove Road, SR 108, Scott Township, PA) on July 8, 2009, to burn reclaimed fuel oil at their bituminous concrete production facility in Scott Township, **Lawrence County**. This is a non TV facility.

**42-158N: Temple Inland—Mt. Jewett Complex** (303 South Temple Drive, Diboll, TX 75941) on July 7, 2009, for the charge in particulate emission rate from the Secondary Sander Baghouse at their facility in **McKean County**, Sergeant Township. This is a TV facility.

**62-172A: Glenn O Hawbaker—Brokenstraw Plant 22** (711 East College Avenue, Bellefonte, PA 16823) on July 6, 2009, to combine all the existing general permits into a plan approval, modify equipment at a sand and gravel plant and permit three portable plants to crush and screen materials as needed in Pittsfield Township, **Warren County**.

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

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

**23-0108B: Barry Callebaut USA, LLC** (903 Industrial Highway, Eddystone, PA 19022-1531) on July 7, 2009, to operate an alkalization process and a thermal oxidizer in Eddystone Borough, **Delaware County**.

**46-0025K: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on July 13, 2009, to operate a replacement venturi scrubber in Upper Merion Township, **Montgomery County**.

**PA-46-0025C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on July 13, 2009, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

**46-0037Y: Cabot Supermetals** (P. O. Box 1608, Boyertown, PA 19512) on June 24, 2009, to operate wastewater discharge limits in Douglas Township, **Montgomery County**.

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

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on July 6, 2009, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

**36-05008E: Tyson Foods, Inc.** (P. O. Box 1156, New Holland, PA 17557-0901) on July 13, 2009, for use of treated landfill gas in the facility's combustion sources in Earl Township, **Lancaster County**. This plan approval was extended.

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

**62-032E: Ellwood National Forge—Irvine Plant** (One Front Street, P. O. Box 303 Irvine, PA 16329) on July 7, 2009, to modify the throughput restrictions associated with Source IDs 032—035, 101A, 103, 111, 112 and 120, and for installation of a replacement dust collector associated with Crankshaft File & Grind (Source ID 114) in Brokenstraw Township, **Warren County**.

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

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

**06-05024: RRI Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on June 23, 2009, for their Titus Generating Station in Cumru Township, **Berks County**. This Title V operating permit was administratively amended due to a change in the facility owner. This is Revision No. 2.

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

**59-00002: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on June 23, 2009, to renew a Title V Operating Permit for their Tioga facility in Farmington Township, **Tioga County**. The facility's sources include two reciprocating internal combustion engines, nine storage tanks, one water heater, one Tulpro heater, one boiler, one regen heater, two parts washers, one emergency generator, and associated pipeline flanges and valves, which have the potential to emit major quantities of NO<sub>x</sub> and CO. The facility has the potential to emit, VOCs, VHAPs, PM/PM<sub>10</sub> and SO<sub>x</sub> below the major emission thresholds. The Tulpro heater (Source ID 033) is subject to the Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60 Subpart Dc, Section 60.40c—60.48c. This operating permit also serves as a Prevention of Significant Deterioration permit issued subsequent to the provisions of 40 CFR 52.21. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**46-00101: Ball Aerosol & Specialty Container, Inc.** (431 Privet Road, Horsham, PA 19044-1220) on July 14, 2009, for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Horsham Township, **Montgomery County**. Ball Aerosol & Specialty Container, Inc. is a metal can manufacturing facility. The sources of emissions include: six side seam stripe lines, stripe cleaning and parts washers. The facility took voluntary total VOC and total HAP emission limits of 20.6 and 25 tpy. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**36-03037: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on July 6, 2009, for operation of their Denver Crushing Plant in East Cocalico Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**49-00036: Anthracite Industries, Inc.** (P. O. Box 112, Sunbury, PA 17801-0112) on July 9, 2009, to operate various carbon products (coal/coke/graphite) processing equipment at their facility in Upper Augusta Township, **Northumberland County**.

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

**56-00219: Berwind Coal Sales Co.** (509 15th Street, Windber, PA 15963-1658) on July 10, 2009, to operate a coap preparation plant consisting of a rotary breaker, feed hopper/bin, radial stacker, coal loadout, conveyors, stockpiles, and a haul road at their Huskin Run Tipple in Shade Township, **Somerset County**.

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

**25-00917: Performance Castings, Inc.** (242 East 16th Street, Erie, PA 16503) on July 7, 2009, to re-issue a Natural Minor Permit to operate gray and ductile iron foundries in City of Erie, **Erie County**. The significant emitting sources are electric induction furnace, inoculation, charge handling, pouring casting, casting cooling, casting shakeout, grinding and shot blasting, core ovens, shell core machines and binders—sand muller operation. The facility is subject to 40 CFR 63 Subpart ZZZZZ—National Emission Standards for HAPs for Iron and Steel Foundries Area Sources. The facility is natural minor because the emissions are less than Title V emission threshold limits.

**42-00215: Kane Area School District—Kane Area High School** (400 West Hemlock Avenue, Kane, PA 16735-1644) on July 8, 2009, to issue a Natural Minor Operating Permit for this educational facility in Wetmore Township, **McKean County**. The facility's primary emis-

sions are from a Wood Fired Boiler and four Natural Gas Fired Boilers used to provide comfort heat and hot water to the school.

*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 14, 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.**

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

**49-00019: Specialized Vehicles Corp.** (13442 Emerson Road, Box 17, Kidron, OH 44636) on June 29, 2009, issued a revised Title V Operating Permit, Revision No. 2 for their Montgomery facility in Clinton Township, **Lycoming County**. Revision No. 2 was issued on June 29, 2009, for a minor modification to incorporate the terms and conditions of a Request for Determination that was approved on February 19, 2009, for the increase of the VHAP emission limitation in Source ID P318 to 2.0 tons in any 12-consecutive month period. The revision became effective on June 29, 2009. All new and revised requirements including monitoring, recordkeeping and reporting conditions of the revised Title V operating permit will expire on October 16, 2012. This revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**59-00007: RRI Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg PA 15317-5817) on July 8, 2009, issued a revised State-only (synthetic minor) operating permit for their Blossburg Generating Station Covington Township, **Tioga County**. The revision of this permit incorporates the change in the name of the owner/operator from Reliant Energy Mid-Atlantic Power Holdings, LLC to RRI Energy Mid-Atlantic Power Holdings, LLC. This State-only (synthetic minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E39-497. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101-1013, in Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and construct and maintain a stream enclosure consisting of an 18-foot wide by 7.5-foot high reinforced concrete box culvert depressed 1.0-foot below streambed elevation, including 3 outfall pipes in a tributary to Coplay Creek (CWF) for the purpose of the SR 145, Section 08S Safety Improvements Project. The project is located at SR 145, Segment 170, Offset 0000, at the intersection with Municipal Drive (Cementon, PA Quadrangle Latitude: 40° 39' 22"; Longitude: 75° 30' 26").

**E39-419A. BDI Machinery Sales Company**, 430 East Main Street, Macungie, PA 18062, Borough of Macungie, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To stabilize an existing drainage swale; construct and maintain approximately 1,710 square feet of at-grade gravel parking areas and a gravel access road and 754 square feet of at-grade asphalt parking area in the floodway of the Swabia Creek (HQ-CWF). The project is located at 52 Race Street in the Borough of Macungie (Allentown West, PA Quadrangle Latitude: 40° 30' 58"; Longitude: 75° 33' 31").

**E45-542. Shawnee Holding, Inc.**, P.O. Box 67, 1 River Road, Shawnee, PA 18356, Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a timber truss suspension golf cart bridge having a span of 250 feet and an underclearance of 26 feet across the Delaware River (WWF, NF) in place of an existing, 286 foot seasonal bridge, which will be removed. Also, the construction of asphalt golf cart paths within the 100-year floodway of the Delaware River. The purpose of the project is to replace the existing seasonal bridge with a permanent structure for golf cart access at the Shawnee on the Delaware Golf Course. The project is located 1.57 miles northeast of the intersection of SR 2028 and I-80 (Bushkill, PA, PA-NJ Quadrangle Latitude: 41° 0' 20"; Longitude: 75° 7' 0").

**E45-544. Anne N. Wertz**, 232 South Quince Street, Philadelphia, PA 19107-5510, Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 95 LF, 48-inch wide, 12-inch high boardwalk with a 10 feet by 10 feet square wooden pad, permanently impacting approximately 0.01 acre of PEM wetlands adjacent to Arrowhead Lake. The project is located 7.6 miles west of the intersection of I-380 and SR 0423 (Thornhurst, PA Quadrangle Latitude: 41° 9' 53.9"; Longitude: 75° 34' 2.2").

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

**E53-423. Allegheny Enterprises, Inc.**, 3885 Roller Coaster Road, Corsica, PA 15829-3833. Allegheny Enterprises Edgerton Natural Gas Transmission Pipeline Project, Bingham Township, **Potter County**, United States Army Corps of Engineers, Pittsburgh District (Ulysses, PA Quadrangle Latitude: 41° 56' 31.2"; Longitude: 77° 46' 07.8").

Allegheny Enterprises, Inc. proposes to construct, operate, repair and maintain gas pipelines and road crossings for natural gas transmission that require encroachment of the following of two Exceptional Value wetlands and HQ-CWF streams:

Permit ID	Activity	Resource	Water Quality	Latitude	Longitude
Wetland 1	Pipeline Crossing	Tributary Turner Creek	EV	41° 57' 03.30"	77° 46' 05.31"
Stream 1	Pipeline Crossing	Tributary Turner Creek	HQ-CWF	41° 57' 02.71"	77° 46' 03.99"
Wetland 2	Pipeline Crossing	Tributary Turner Creek	EV	41° 56' 50.55"	77° 46' 02.17"
Stream 2	Pipeline Crossing	Tributary Turner Creek	HQ-CWF	41° 56' 47.70"	77° 46' 02.00"

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 Turner Creek is a WTF, 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. 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 southern right-of-way of the Windfall Road approximately 1,300-feet east of Collins Hill and Windfall Roads intersection.

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

**E02-1615. O'Hara Township**, 325 Fox Chapel Road, Pittsburgh, PA 15238. To construct a culvert in O'Hara Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh East, PA Quadrangle N: 22.5 inches; W: 1.2 inches, Latitude: 40° 29' 56"; Longitude: 79° 53' 01"). The applicant proposes to remove the existing culvert and to construct and maintain a new culvert having a span of 10.0 feet with an underclearance of 4.5 feet in the channel of a UNT to Squaw Run (HQ-WWF) and to restore and maintain approximately 296.0 linear feet of said stream consisting of removing accumulated sediment from the

stream channel and placing habitat structures in the channel, and planting native vegetation along the banks of said stream for the purpose of widening Fox Chapel Road and improving the Fox Chapel Road/Delafield Road Intersection. The project is located at the intersection of Fox Chapel and Delafield Roads and will impact approximately 344.0 linear feet of stream channel.

**E63-615. Kriebel Minerals, Inc.**, P.O. Box 765, Clarion, PA 16214. To construct a culvert in Deemston Borough, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Ellsworth, PA Quadrangle N: 4.45 inches; W: 2.15 inches, Latitude: 40° 01' 28"; Longitude: 80° 00' 55"). The applicant proposes to construct and maintain a culvert structure consisting of one 48 inch and one 36 inch diameter corrugated steel pipes in Fishpot Run (WWF) with inverts depressed 1 foot below channel bed under a proposed access road to a gas well. There will be a dip on the road to pass the flows in excess of the culverts capacity.

**E65-932. Ray Patalsky**, 1209 Route 286, Export, PA 15632. To place fill in wetlands in Murrysville Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Murrysville, PA Quadrangle North 10.2"; West 2.6", Latitude: 40° 25' 56"; Longitude: 79° 38' 30"). The applicant proposes to place and maintain fill in 0.040 acre of wetlands in the Turtle Creek (TSF) Watershed for the purpose of constructing a housing development.

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

**E24-251. Robert Yoder, Jolecole Development Corporation**, 5960 Susquehanna Trail, Turbotville, PA

17772. Elk Creek Park Development, in the City of Saint Marys, **Elk County**, United States Army Corps of Engineers, Pittsburgh District (Saint Marys, PA Quadrangle N: 41° 25' 48.4"; W: 78° 33' 22.1").

The applicant is proposing to construct a commercial development and municipal park and parking garage adjacent to Elk Creek including: 1) to remove existing structures within the FEMA floodway and floodplain; 2) to construct and maintain establishment of a municipal park within the FEMA floodway and floodplain; 3) to construct and maintain a restaurant, hotel and water park within the FEMA 100-year floodplain; 4) to construct and maintain a pedestrian bridge over Elk Creek; and 5) to construct and maintain associated stormwater outfalls and utility line installation. Elk Creek is a perennial stream classified as a CWF.

**E25-727, Erie-Western Pennsylvania Port Authority**, to construct a road, north of the Bayfront Highway, remove existing fill materials occupying the bottom of Presque Isle Bay, to fill a portion of Presque Isle Bay to accommodate the proposed roadway, and to construct two 12' by 50' fishing piers, in the City of Erie, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Erie North, PA Quadrangle Latitude: 42° 7' 50"; Longitude: 80° 6' 2").

This application was published and made available for public comment in the May 30, 2009, edition of the *Pennsylvania Bulletin*. The Department of Environmental Protection has extended the public comment period and will accept written comments until August 7, 2009.

The applicant proposes to construct a 24 foot wide, two-way frontage road, with 26 parallel parking spaces, and a 10 foot wide pedestrian bike path, along the north side of the Bayfront Parkway between Walnut and Cherry Streets. The road will provide public access between Bay Harbor Marina and the Chestnut Street Boat Launch Ramp. The proposed land disturbance will cover approximately 0.42 acre.

The project also proposes the construction of two, 12' wide and 50' long fishing piers, providing approximately 1,200 square feet of cover habitat.

This project proposes to impact approximately 6,933 square feet of the bottom of Presque Isle Bay. However, this project proposes to remove 9,061 square feet of existing concrete, blocks, docks, fill and foundations, from

the bottom of Presque Isle Bay. Therefore, a net increase of approximately 2,128 square feet of the bottom of Presque Isle will occur (approximately .049 acre). All work is proposed to be done on water lots in Presque Isle Bay and not in or on submerged lands of the Commonwealth.

**E61-285, Richard J. and Debra J. Bodnar**, 623 Beatty Road, Monroeville, PA 15146-1501. Residence in Floodway, in Sugarcreek Borough, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Franklin, PA Quadrangle N: 41° 24' 53"; W: 79° 52' 24").

The applicant is proposing to construct and maintain an approximately 2,250 square foot single-family primary residence on piers within the floodway of French Creek approximately 1 mile West of the intersection of SR 322 and Patchel Run Road. French Creek is a perennial stream classified as a WWF.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA33-001, Mill Creek Coalition**, 6 East 8th Street, Clarion, PA 16214, Glenn Site 19 Abandoned Mine Drainage Treatment System, in Union Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Corsica, PA Quadrangle N: 41° 11' 25"; W: 79° 12' 18").

The applicant proposes to construct, operate and maintain a passive treatment system to treat at least four discreet abandoned mine drainage discharges impacting a UNT to Little Mill Creek. The discharges have approximate flows of approximately 25 to 100 gpm. The passive treatment shall consist of an anoxic limestone drain to generate alkalinity, an aerobic pond for the oxidation, precipitation and settling of iron, and a limestone basin for removal of high manganese concentrations. The project intends to reduce abandoned mine drainage pollution to the UNT, leading to restoration of water quality sufficient to sustain aquatic life, to decrease the overall abandoned mine drainage impacts to Little Mill Creek, and to provide sufficient alkalinity to the tributary to neutralize additional acidity in Little Mill Creek.

Little Mill Creek is a perennial stream classified as a HQ-CWF.

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## ACTIONS

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### 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087921 (Sew)	Berwick Township 85 Municipal Road Hanover, PA 17331-8992	Adams County Berwick Township	UNT Pine Run 7-F	Y
PA0084174 (Sew)	Covance Research Products, Inc. 310 Swampbridge Road P. O. Box 7200 Denver, PA 17517	Lancaster County West Cocalico Township	UNT Cocalico Creek 7-J	Y
PA0087521 (IW)	Albertsons, Inc. Department 72405 Environmental Affairs P. O. Box 20 Boise, ID 83726	Lancaster County East Cocalico Township	UNT Little Muddy Creek 7-J	Y
PA0021641 (Sew)	James Lewars Site Administrator Daniel Boone Homestead 400 Daniel Boone Road Birdsboro, PA 19508	Berks County Exeter Township	Owatin 3-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0101800	Lord Corporation P. O. Box 1050 Saegertown, PA 16433-1050	Saegertown Borough Crawford County	French (Outfall 001) and Woodcock Creeks (Outfalls 002 and 003) 16-A	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. PA0055751, Amendment No. 1, IW, Delbar Products, Inc.**, 601 West Spruce Street in Perkasio Borough, **Bucks County**. The following notice reflects changes to the notice published in the October 1, 2005, *Pennsylvania Bulletin*:

Discharge monitoring and effluent limits for Outfalls 001 and 002 are deleted based on a site inspection.

Effluent limitation and reporting requirements for Monitoring Point 102 remain the same.

**NPDES Permit No. PA0038296**, Industrial Waste, **Sunoco Partners Marketing & Terminals, LP**, 1735 Market Street, Suite LL, Philadelphia, PA 19103-7583. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Willow Grove Marketing Terminal into a UNT to Pennypack Creek in Watershed 3J.

**NPDES Permit No. PA0036897**, Sewage, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320. This proposed facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the STP into the West Branch Brandywine Creek in Watershed 3H.

**NPDES Permit No. PA0057363**, Sewage, **Penns Park Master Association**, 2288 Second Street Pike, Penns Park, PA 18943. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal and transfer to discharge from a facility known as ARCCA WWTF into the Drainage Swale to a UNT to Neshaminy Creek in Watershed 2F.

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

**NPDES Permit No. PA0060879**, Sewage, **Country Club Estates Condominium Association, Inc.**, 2930 Fairview Street, Allentown, PA 18104. This proposed facility is located in Mahoning Township, **Carbon County**.

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

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

**NPDES Permit No. PA0261289**, Sewage, **Garren Wilkins**, 10538 Hyndman Road, Manns Choice, PA 15537. This proposed facility is located in Harrison Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for authorization to Buffalo Run in Watershed 11-C.

**NPDES Permit No. PA0247120**, CAFO, **Theodore Esbenshade, Shady Brae Farms, Inc.**, 29 Engle Road, Marietta, PA 17547. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,807-Animal Equivalent Units layer operation in Watershed 7-G, the Marietta Farm.

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

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

**WQM Permit No. 4009408**, Sewage, **Dallas Area Municipal Authority**, 530 South Memorial Highway, Shavertown, PA 18708. This proposed facility is located in Kingston Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit, consisting of the replacement of multiple existing concrete equalization tanks with a 2.8 million gallon steel equalization tank and an equalization pump station.

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

**WQM Permit No. 2809403**, Sewage, **Kevin and Katrina Holford**, 467 East King Street, Shippensburg, PA 17257. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a small flow sewage treatment facility with septic tank, dosing tank, sand filter and disinfection tablet by chlorination to serve their single-family residence at Newburg Road, Newburg, PA 17240.

**WQM Permit No. 0509402**, Sewage, **Garren Wilkins**, 10538 Hyndman Road, Manns Choice, PA 15537. This proposed facility is located in Harrison Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a small flow sewage treatment facility with a 1,000-gallon septic tank, effluent filter (EFT-080), STB-650 Ecoflo peat filter, a 300-gallon chlorine contact tank with chlorination.

**WQM Permit No. WQG02060902**, Sewage, **Washington Township Municipal Authority**, 120 Barto Road, Barto, PA 19504. This proposed facility is located in Washington Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of public sewers to serve the West Tract Residential Development, consisting of approximately 183.24 acres and is located between Barto Road, Old Route 100, Stauffer Road and Route 100 in Washington Township, Berks County. The site contains 57 townhouses, five single-family dwellings, with associated roadways and utilities, a stormwater detention basin, farm fields and wooded areas. The developer proposes to construct 111 single-family dwelling units and 144 apartments as part of Phases G, H, L, M, P and U. The proposed development will generate an average flow of approximately 48,960 gpd of sewage. This total flow was determined based upon an EDU flow of 192.0 gpd, which is consistent with the design calculations of the receiving system. Sewage will be conveyed to the wastewater treatment facility for disposal.



**WQM Permit No. 0589201, Amendment 09-1**, Industrial Waste, **Waste Systems International, Inc.**, 995 Landfill Road, P. O. Box 136, Hopewell, PA 16650. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Amendment approval for the modification of industrial wastewater facilities consisting of: upgrades to the leachate treatment aeration system to include 140 diffusers to provide complete mix of  $\text{NH}_3\text{-N}$  removal at Sandy Run Landfill.

**WQM Permit No. 0109201**, CAFO, **Bert Waybright, Mason Dixon Farms, Inc.**, 1800 Mason Dixon Road, Gettysburg, PA 17325. This proposed facility is located in Freedom Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of liquid manure storage and sand settling facilities consisting of: one 200' wide by 350' long by 15' deep liquid manure storage impoundment with a 6-inch clay subbase meeting a permeability not greater than  $10^{-4}$  cm/s, 12-oz geotextile on the subbase, 60-mil HDPE liner, a leak detection trench lined on the sides and bottom with 45 mil EPDM, an observation pit that receives leak detection drainage from the impoundment and an outlet pipe from the observation pit; one 200' wide by 200' long by 15' deep liquid manure storage impoundment with a 6-inch clay subbase meeting a permeability not greater than  $10^{-4}$  cm/s, geotextile on the subbase, 60-mil HDPE liner, a leak detection trench lined on the sides and bottom with 45-mil EPDM, an observation pit that receives leak detection drainage from the impoundment and an outlet pipe from the observation pit; Ancillary improvements necessary to implement this project include pumps, prefabricated tanks and transfer lines.

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

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

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

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

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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).

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

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

#### General Permit Type—PAG-2

#### Facility Location:

#### Municipality & County

Bradford County  
Athens Township

#### Permit No.

PAG2000809003

#### Applicant Name & Address

David Fisher  
Nomac Drilling, LLC  
3400 South Radio Road  
El Reno, OK 73036

#### Receiving Water/Use

UNT to Murray  
Creek  
WWF

#### Contact Office & Phone No.

Bradford County  
Conservation District  
Stoll Natural  
Resource Center  
R. R. 5  
Box 5030C  
Towanda, PA 18848  
(570) 265-5539, Ext. 6

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre County Spring Township	PAG2001409004	Greg Michelone CPI Science & Technology 540 North Harrison Road Pleasant Gap, PA 16823	Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Armstrong County Kiskiminetas Township	PAG2000309004	Roaring Run Watershed Association P. O. Box 333 Apollo, PA 15613	Kiskiminetas River WWF	Armstrong County Conservation District (724) 548-3425
Cambria County Richland Township	PAG2001109009	Russell Kosinko 215 Peaceful Valley Road Windber, PA 15963	Sandy Run CWF	Cambria County Conservation District (814) 472-2120
Westmoreland County Municipality of Murrysville	PAG2006509001	Manor Development Group II 109 Gateway Avenue Suite 202 Wexford, PA 15090	Turtle Creek CWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Derry Township	PAG2006509008	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	UNT to Conemaugh CWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County South Huntingdon Township	PAG2006509009	Joseph Szczur Department of Transportation 825 North Gallatin Avenue Ext. Uniontown, PA 15401-2105	Yough River WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006509015	David Cambruzzi Box 82 Darragh, PA 15625 and New Enterprise Stone & Lime Co. 3912 Rumbaugh Road New Enterprise, PA 16664	UNT to Little Sewickley Creek TSF	Westmoreland County Conservation District (724) 837-5271
Butler County Butler and Summit Townships	PAG2001008028	Butler Freeport Trail John Haven Buffalo Township 109 Bearcreek Road Sarver, PA 16055	UNT Coal Run WWF	Butler County Conservation District (724) 284-5270
Erie County Fairview Township	PAG2002509004	Pine Grove Subdivision PIRHL, LLC 4949 Galaxy Parkway Suite S Warrenville, OH 44128	Trout Run CWF, MF	Erie County Conservation District (814) 825-6403

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Weatherly Borough Carbon County	PAR202219	Weatherly Casting and Machine Co. P. O. Box 21 Weatherly, PA 18255	Beaver Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*General Permit Type—PAG-4*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Rockhill Township Bucks County	PAG040122	Kevin and Dolores Bergey 215 Augustine Road Sellersville, PA 18960	UNT of Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Dauphin County Conewago Township	PAG043884	R. H. Kreiser Construction 1569 Elm Road Elizabethtown, PA 17022	UNT Brills Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Straban Township	PAG043888	Columbia Gas Transmission, LLC 1895 Granite Station Road Gettysburg, PA 17325	Beaverdam Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Upper Frankford Township	PAG043592 Transfer	Kenneth and Joellen Russell 635 Mohawk Road Newville, PA 17241	7B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Permit Type—PAG-5*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County Greenfield Township	PAG053599	Whetstone Service Station, Inc. 123 South Bedford Street Bedford, PA 15522-1410	South Poplar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (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**

**Operations Permit No. 4608517** issued to **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464 (PWSID No. 1460037), Pottstown Borough, **Montgomery County** on June 26, 2009, for the operation of Facilities approved under construction permit No. 4608503 for the Washington Hill Water Storage Tank.

**Operations Permit No. 1509508** issued to **London Grove Township Authority**, 372 Rose Hill Road, Suite 300, West Grove, PA 19390 (PWSID No. 1150165), London Grove Township, **Chester County** on June 26, 2009, for the operation of Facilities approved under construction permit No. 1508506 for London Grove Village Tank and Booster Station.

**Permit No. 0909506**, Public Water Supply.

Applicant	<b>Plumstead Township</b> 5186 Stump Road P. O. Box 387 Plumsteadville, PA 18949
Township	Plumsteadville
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. P. O. Box 540 4092 Skippack Pike Skippack, PA 19474
Permit to Construct Issued	July 9, 2009

**Permit No. 0909507**, Public Water Supply.  
 Applicant **Plumstead Township**  
 5186 Stump Road  
 P. O. Box 387  
 Plumsteadville, PA 18949  
 Township Plumsteadville  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Ebert Engineering, Inc.  
 P. O. Box 540  
 4092 Skippack Pike  
 Skippack, PA 19474  
 Permit to Construct July 9, 2009  
 Issued

**Permit No. 0909508**, Public Water Supply.  
 Applicant **Plumstead Township**  
 5186 Stump Road  
 P. O. Box 387  
 Plumsteadville, PA 18949  
 Township Plumsteadville  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Ebert Engineering, Inc.  
 P. O. Box 540  
 4092 Skippack Pike  
 Skippack, PA 19474  
 Permit to Construct July 9, 2009  
 Issued

**Permit No. 0909509**, Public Water Supply.  
 Applicant **Plumstead Township**  
 5186 Stump Road  
 P. O. Box 387  
 Plumsteadville, PA 18949  
 Township Plumsteadville  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Ebert Engineering, Inc.  
 P. O. Box 540  
 4092 Skippack Pike  
 Skippack, PA 19474  
 Permit to Construct July 9, 2009  
 Issued

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

**Permit No. 2406498, Operations Permit**, Public Water Supply.

Applicant **Nature's Way Springs, LP**  
 164 Commerce Road  
 Pittston, PA 18640  
 Township Foster Township  
 County **Luzerne**  
 Type of Facility Bulk Water Hauling Facility  
 Consulting Engineer Thomas G. Pullar, P. E.  
 EarthRes Group, Inc.  
 P. O. Box 468  
 Pipersville, PA 18947  
 Permit to Operate July 10, 2009  
 Issued

**Permit No. 5408503**, Public Water Supply.  
 Applicant **Schuylkill County Municipal Authority**  
 221 South Centre Street  
 P. O. Box 960  
 Pottsville, PA 17901  
 Township Butler Township  
 County **Schuylkill**  
 Type of Facility PWS  
 Consulting Engineer James C. Elliott, P. E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106  
 Permit to Construct July 8, 2009  
 Issued

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

**Permit No. 1989501-T2—Transfer**, Public Water Supply.  
 Applicant **Pleasant View Estates MHC**  
 Township or Borough South Centre Township  
 County **Columbia**  
 Responsible Official Dimitris Rentzios  
 VP of Utilities & Ancillary Services  
 ARCPA Properties, LLC  
 4643 South Ulster Street  
 Suite 400  
 Denver, CO 80237  
 Type of Facility Public Water Supply—Transfer  
 Consulting Engineer N/A  
 Permit Issued Date July 9, 2009  
 Description of Action Transfer of the Pleasant View Estates MHC Wells 1, 2 and 3.

**Permit No. MA (1989501-T2)—Transfer**, Public Water Supply.

Applicant **Pleasant View Estates MHC**  
 Township or Borough South Centre Township  
 County **Columbia**  
 Responsible Official Dimitris Rentzios  
 VP of Utilities & Ancillary Services  
 ARCPA Properties, LLC  
 4643 South Ulster Street  
 Suite 400  
 Denver, CO 80237  
 Type of Facility Public Water Supply—Transfer  
 Consulting Engineer N/A  
 Permit Issued Date July 9, 2009  
 Description of Action Transfer of the Pleasant View Estates MHC ion exchange unit backwash.

**Permit No. 1989503-T2—Transfer**, Public Water Supply.

Applicant **Brookside Village MHC**  
 Township or Borough North Centre Township

County **Columbia**  
 Responsible Official Dimitris Rentzios  
 VP of Utilities & Ancillary  
 Services  
 ARCPA Properties, LLC  
 4643 South Ulster Street  
 Suite 400  
 Denver, CO 80237

Type of Facility Public Water Supply—Transfer  
 Consulting Engineer N/A  
 Permit Issued Date July 9, 2009  
 Description of Action Transfer of the Brookside Village  
 MHC Wells 1, 2 and 3.

**Permit No. 4186560EP101—Construction, Public Water Supply.**

Applicant **First Quality Water & Beverage, LLC**  
 Township or Borough Castanea Township  
 County **Clinton**  
 Responsible Official James Vaiana  
 Environmental Manager  
 First Quality Water & Beverage,  
 LLC  
 904 Woods Avenue  
 Lock Haven, PA 17745

Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer Gary Toplak, P. E.  
 Toplak & Associates, PC  
 112 Pineview Road  
 Baden, PA 15005

Permit Issued Date July 10, 2009  
 Description of Action Construction related to the  
 upgrade of Bald Eagle Creek  
 Reservoir, Norit X-Flow  
 Ultrafiltration, Carbon filtration,  
 GE Osmonics RO, UV,  
 Hypochlorite and Ozone.

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

**Operations Permit** issued to **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID No. 5020038) City of Pittsburgh, **Allegheny County** on July 8, 2009, for the designation of water quality performance parameters.

**Cheswick Borough Water Department (Public Water Supply), Allegheny County:** The Source Water Protection (SWP) program for this water department has been approved. Cheswick Borough Water Department personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part, by a SWP grant. (Rita Coleman, (412) 442-4315)

**Greater Johnstown Water Authority (Public Water Supply), Cambria County:** The Source Water Protection (SWP) program for this authority has been approved. Greater Johnstown Water Authority and members of the SWP Steering Committee are to be commended for taking these proactive steps to protect these water sources for

their community. Development of the program was funded, in part, by a SWP grant. (Rita Coleman, (412) 442-4315)

**Municipal Authority of Westmoreland County (Public Water Supply), Westmoreland, Fayette and Allegheny Counties:** The Source Water Protection (SWP) programs for this authority have been approved. Municipal Authority of Westmoreland County and members of the four SWP Steering Committees are to be commended for taking these proactive steps to protect these water sources for their communities. Development of the program was funded, in part, by a SWP grant. (Rita Coleman, (412) 442-4315)

**North Fayette County Municipal Authority (Public Water Supply), Fayette County:** The Source Water Protection (SWP) program for this authority has been approved. North Fayette County Municipal Authority and members of the SWP Steering Committee are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part, by a SWP grant. (Rita Coleman, (412) 442-4315)

**Sharpsburg Borough Water Department (Public Water Supply), Allegheny County:** The Source Water Protection (SWP) program for this water department has been approved. Sharpsburg Borough Water Department personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part, by a SWP grant. (Rita Coleman, (412) 442-4315)

**Sewickley Borough Water Authority (Public Water Supply), Allegheny County:** The Source Water Protection (SWP) program for this authority has been approved. Sewickley Borough Water Authority personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part, by a SWP grant. (Rita Coleman, (412) 442-4315)

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

**Permit No. 2009503, Public Water Supply.**

Applicant **Weber Family Limited Partnership, d/b/a Woodlands Mobile Home Park**  
 Township or Borough Vernon Township  
 County **Crawford**  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven R. Halmi, P. E.  
 Permit to Construct July 1, 2009  
 Issued

**Permit No. 2008502, Public Water Supply.**

Applicant **Toby A. Kopta Countryside Mobile Home Park**  
 Township or Borough East Fairfield Township  
 County **Crawford**  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven R. Halmi, P. E.  
 Permit to Construct July 13, 2009  
 Issued

**Permit No. 2598501—MA7, Public Water Supply.**  
 Applicant **Erie City Water Authority**  
 Township or Borough Millcreek, Harborcreek and Greene Townships  
 County **Erie**  
 Type of Facility Public Water Supply  
 Consulting Engineer Craig J. Bauer, P. E.  
 Permit to Construct July 13, 2009  
 Issued

**Operations Permit issued to Country Acres Personal Care Home, Inc.,** PWSID No. 6610045, Cherrytree Township, **Venango County**, June 30, 2009, for the water supply facilities including Well Nos. 2 and 3 as sources, treatment for iron and manganese removal, softening and disinfection, as permitted by construction permit 6107501, issued March 5, 2009.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wright Township	321 South Mountain Boulevard Mountain Top, PA 18707	Luzerne

*Plan Description:* The approved plan provides for a systematic Corrective Action Plan (CAP) to identify and propose corrective measures to the portions of the Mountaintop Area Joint Sanitary Authority's (MAJSA) wastewater collection system that are tributary to the Walden Park Pump Station. This portion of the wastewater collection and conveyance system appears to be subject to excessive amounts of infiltration/inflow (I/I). The CAP also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of the Township's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, Wright Township and the MAJSA shall contact the Department of Environmental Protection (Department), in writing, and discuss the need to alter the CAP at the earliest possible time. Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Conyngham	P. O. Box 442 Conyngham, PA 18219	Luzerne

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sugarloaf Township	P. O. Box 61 Sybertsville, PA 18251	Luzerne

*Plan Description:* The Department of Environmental Protection (Department) has reviewed the Official Sewage Facilities Plan Update Revision (Plan) dated September 23, 2008 (received by the Department on September 23, 2008), with additional materials dated January 6, 2009 (received by the Department on January 12, 2009), and July 1, 2009 (received by the Department on July 1, 2009), as prepared by Entech Engineering, Inc. on behalf of Conyngham Borough (Borough), Sugarloaf Township (Township) and the Conyngham Borough Authority (Authority).

During the review of an Official Sewage Facilities Plan Update Revision, the Department must ensure that various, relevant issues are addressed in an adequate and comprehensive manner. The Borough and the Township have failed to properly address all relevant issues. The reasons for the disapproval are described in the Department's letter addressed to the Borough, Township and Authority dated July 10, 2009.

The Borough, the Township and the Authority have a continuing obligation, under section 5 of the Pennsylvania Sewage Facilities Act and the Regulations promulgated thereunder, to jointly revise the Official Sewage Facilities Plans of the Borough and the Township to address existing and future sewage disposal needs within the planning area outlined in the Plan Update Revision and provide for adequate sewage disposal facilities. The Department requests that the municipalities and the Authority immediately take all actions necessary to jointly revise both municipalities' Official Sewage Facilities Plans.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Newberry Township	1915 Old Trail Road Etters, PA 17319	York

*Plan Description:* Rick Drawbaugh, DEP Code No. A3-67945-354-2: The plan consists of a five lot single-family residential subdivision on 37.438 acres with total proposed sewage flows of 1,600 gpd to be treated by individual onlot disposal systems. The proposed development is located on Kise Mill Road at its intersection with Popps Ford Road in Newberry Township, York County. The plan was disapproved because Lots 1 and 4 of the subdivision fail to meet the recommended lot size of the preliminary hydrogeologic study required by 25 Pa. Code § 71.62(c). As proposed, the onsite sewage systems for Lots 1 and 4 will pollute the waters of the Commonwealth in violation of The Pennsylvania Clean Streams Law. Such a condition is considered a nuisance and is prohibited.

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

**Notice of Proposed Remedial Response Tomstown TCE Site Quincy Township, Franklin County**

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

Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) is proposing a remedial response at the Tomstown TCE Site (Site).

The Site is located in Quincy Township, Franklin County, PA and is a rural community where residential homes, farms and small businesses are prevalent. The Department conducted sampling of approximately 90 private wells from October 2006 through March 2008. Twenty-nine residences and one business have well water contamination, with TCE concentrations ranging from less than 1 to 34 parts per billion (ppb). TCE is listed as a probable human carcinogen by the United States Environmental Protection Agency. Chronic effects to the liver, kidneys and immune and endocrine systems have been seen in humans exposed to trichloroethylene occupationally or from contaminated drinking water. The Maximum Contaminant Level (MCL) for public water supplies and the Statewide Health Standard for groundwater cleanup for TCE is 5 ppb. Residents in the area rely on private wells for their water supplies. The Department and its contractor, URS Corporation, conducted a remedial investigation that found TCE in the groundwater at levels from nondetect to 34 ppb. Groundwater flow exists in a karst setting at the Site. The many fractures and voids that exist beneath the Site are filled with soil from the surrounding surface areas and weathering of carbonate bedrock. It is likely that the combination of fractures/voids in the weathered zone, along with the irregularities in the bedrock surface, represent the primary controls and potential pathways of groundwater and subsequent contamination migration. A remedial response action is justified to remove the exposure risks posed by a hazardous substance in the groundwater serving residential well supplies.

After considering alternatives that include institutional controls and individual home point of entry carbon treatment systems, the proposed response is the extension of an existing municipal water supply system. This alternative is superior to the other alternatives because it eliminates all exposure associated with private use of groundwater (ingestion, inhalation and dermal contact), eliminates the need for long-term monitoring of individual wells and eliminates the need for deed notices and/or restrictions. Also, constant monitoring by the public water supplier ensures protection of public health through compliance with the Pennsylvania Safe Drinking Water Act requirements. This response will include installing the water distribution infrastructure, the lateral water line from the curb into each residence, and connecting this line into the home water distribution system. Any fees related to the initial connection to the system and all necessary restoration work would be included in the response. The response would require the Township to enact a mandatory tap-in ordinance for properties within the plume and prohibit installation of new residential wells within the plume. Residences, businesses and institutions connected to the public supply shall be responsible for customary continuing service payments.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)), and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record, which contains information about this site and which supports the Department's decision to perform this action at the site, is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton

Avenue, Harrisburg, PA 17110, by contacting Ruth Bishop at (717) 705-4833. The Administrative Record can also be reviewed at the Quincy Township Building, 7575 Mentzer Gap Road, Waynesboro, PA, (717) 762-5679 from 8 a.m. to 4:30 p.m., Monday through Friday.

The Administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on July 25, 2009, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before October 23, 2009, by mailing them to Ruth Bishop at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for September 9, 2009, at 7 p.m. at the Quincy Township Building. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., September 3, 2009, by calling Lauri Lebo at (717) 705-4703.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should call Lauri Lebo at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

### **Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act**

#### **Notice of Settlement under HSCA**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a Consent Order and Agreement (Agreement) with the Lenape Manufacturing Corporation (Company), the Lenape Manufacturing Trust (Trust), and Edwin Kuehnle, Trustee for the Trust, regarding the Lenape Manufacturing Site in Bucks County, PA. The Lenape Manufacturing Site is located at 1803 North 5th Street, Perkasio, PA, wherein the Lenape Manufacturing Company manufactured parts for the United States Air Force. The Site consists primarily of soil and groundwater contaminated with trichloroethylene (TCE).

In June of 1985, the Department entered into a Consent Adjudication with the Company for implementation of a groundwater recovery program. In 1998, the Company performed a cleanup under the provisions of the Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P. S. §§ 6026.101—6026.908 et seq.) and demonstrated attainment of an Act 2 cleanup standard. Part of this demonstration of attainment involved a Post Remediation Care Plan which required the Company to monitor groundwater conditions at certain residential wells and to maintain existing carbon filtration systems at impacted residences.

On May 17, 2001, with the Department's approval, the Company established the Trust as a mechanism to assure compliance with the Company's long term responsibilities under the Post Remediation Care Plan.

In May of 2008, the Department determined that there continued to be a release or threatened release of hazardous substances in the area of the Site with additional impacted residences. Consequently, on October 21, 2008, the Department issued a Statement of Decision under HSCA wherein the Department chose to construct and install a municipal water line as a cost-effective means of providing water that meets the requirements of the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) to impacted residences.

As a result of the Department's action, the Trust no longer has obligations under the Post Remediation Care Plan and has agreed to turn over the remaining proceeds of the Trust to the Department for reimbursement of the Department's response costs under the terms and conditions of the Agreement.

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

## 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.*

**GP1-46-0237: Holy Redeemer Hospital & Medical Center** (1648 Huntingdon Pike, Medowbrook, PA 19046) on July 14, 2009, to operate a small gas/ No. 2 oil-fired in Abington Township, **Montgomery County**.

**GP3-09-0087: Premium Excavating, LLC** (P. O. Box 190, Morrisville, PA 19067) on July 14, 2009, to operate a nonmetallic mineral processing in Falls Township, **Bucks County**.

**GP9-09-0016: Premium Excavating, LLC** (P. O. Box 190, Morrisville, PA 19067) on July 14, 2009, to operate a diesel/No. 2 fuel-fired internal in Falls Township, **Bucks County**.

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

**GP3-28-05043: Highway Materials** (1750 Walton Road, Blue Bell, PA 19422) on July 7, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in St. Thomas Township, **Franklin County**.

**GP9-28-05044: Highway Materials** (1750 Walton Road, Blue Bell, PA 19422) on July 7, 2009, for Diesel or #2 Fuel-fired Internal Combustion Engines under GP9 in St. Thomas Township, **Franklin County**.

## 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.**

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

**23-0111B: Centocor Research & Development, Inc.** (145 King of Prussia Road, Radnor, PA 19087), for modification of Diesel or No. 2 Fuel-Fired Internal Combustion Engine that powers 2,250 kW Peak Shaving Electric Generator (diesel electric generator) at the Centocor pharmaceutical research and development/manufacturing/biotechnological facility located at 145 King of Prussia Road, Radnor Township, **Delaware County**. The permittee has requested an increase in CO emission rate which still meets all regulatory requirements. The permittee will take limitations to remain a minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0269A: Yellow Book USA, Inc.** (2201 Renaissance Boulevard, King of Prussia, PA 19406) for installation of one 1.5 MW diesel fuel-fired emergency generator to provide backup power at its office building in Upper Merion Township, **Montgomery County**. As a result of potential emissions of NO<sub>x</sub>, the facility is a State-only facility. The Plan Approval will contain recordkeeping requirements and operating restrictions 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.*

**40-328-007: Hazleton Generation, LLC** (150 North Michigan Avenue, Suite 2930, Chicago, IL 60601) for modification of their existing start up/shut down emission limits at their facility in Hazle Township, **Luzerne County**.

**39-309-076: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for modification of kilns 2 and 3 to use SNCR at their facility in Whitehall Township, **Lehigh County**.

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

**08-399-038D: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) for modification of control devices for 11 existing tungsten wire drawing capstan annealing heads and ten existing wire annealing ovens in department (012) at their North Towanda Township, **Bradford County** facility. GTP proposes to control the PM from the 11 capstan annealing heads with an existing Griffin model U-288-H14 fabric collector and filter, and to control the PM from the ten master tungsten wire annealing ovens with an existing Mikropul MT-288 fabric collector. This is a State-only facility.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by GTP indicates that the sources controlled by the proposed fabric collectors will comply with



all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated into the State-only operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for modification of the control devices to control PM emissions from the sources. The following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements.

Source ID P121 consists of the following equipment: 13 Small Multiple Draw Wire Annealing Units and ten Wire Master Annealing Ovens. The PM emissions from Source ID P121 shall be controlled by a Mikropul model MT-288 fabric collector (ID C121).

Source ID P122 consists of the following equipment: 11 Wire Drawing Capstan Annealing Heads and miscellaneous other existing equipment (Kocks Mill, Push rod/Entrance End of Kocks Mill, Heads 1 and 2 Moly. Anneal., Heads 3 and 4 Moly Anneal., and Heads 5 and 6 Moly. Anneal.). The PM emissions from Source ID P122 shall be controlled by a Griffin model U-288-H14 fabric collector (ID C122A) and filter (ID C122B).

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

Recordkeeping and Reporting conditions to verify compliance with all applicable requirements.

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

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

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

**21-05029B: Sunoco Partners Marketing & Terminals, LP**, Mechanicsburg Terminal (17351 Market Street, Philadelphia, PA 19103) for construction of a Vapor Recovery Unit to control petroleum product loading rack in Hampden Township, **Cumberland County**. The existing control will be retained as back up. The plan approval will be incorporated into the facility's Title V operating permit No. 21-05029. Plan approval and operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**34-05001D: Armstrong Cabinet Products** (12393 William Penn Highway, Thompsettown, PA 17094) for the modification of the existing Overhead Line, construction of a new Flat Line and the installation of a regenerative thermal oxidizer at their Thompsettown facility in Delaware Township, **Juniata County**. The facility is subject to 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Manufacturing Operations. VOC emissions from this project are not expected to increase significantly as a result of this project. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility currently has a Title V operating permit No. 34-05001. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment) at a later date.

**36-05008F: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17557) for construction of a vegetable oil poultry fryer controlled by a wet scrubber in Earl Township, **Lancaster County**. The plan approval and operating permit will include emission limitations, recordkeeping, reporting requirements and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**59-00004E: Ward Manufacturing, LLC** (117 Gulick Street, P. O. Box 9, Blossburg, PA 16912) for construction of a tumbler blast cleaning and peening machine at their facility in Blossburg Borough, **Tioga County**. The respective facility is a major facility for which a Title V Operating Permit 59-00004 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the construction of the tumbler blast cleaning and peening machine meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of a tumbler blast cleaning and peening machine. Additionally, if the Department determines that the respective source is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 59-00004 by means of an administrative amendment under 25 Pa. Code § 127.450.

All applicable regulatory requirements relating to fugitive, visible, and malodorous emissions standards and additional requirements regarding malfunctions, testing, monitoring, recordkeeping and reporting have been included in the proposed plan approval. In addition to the previous requirements, the following is a list of conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Under 25 Pa. Code § 127.12b, the permittee shall not permit the emission of PM into the outdoor atmosphere from Source 107 in a manner such that the concentration of PM in the effluent gas from Control Device C19 exceeds 0.01 gr/dscf whenever the 14 cubic foot, Rosler JMT No. 14 tumbler blast cleaning and peening machine is the only machine incorporated in Source 107 that is operating and being controlled by

Control Device C19. At all other times the concentration of PM in the effluent gas from Control Device C19 shall not exceed 0.04 gr/dscf.

2. Under 25 Pa. Code § 127.12b, Control Device C19 shall be equipped with instrumentation to continuously monitor the pressure differential across the collector.

3. Under 25 Pa. Code § 127.12b, the permittee shall keep on hand a sufficient quantity of spare fabric collector bags for Control Device C19 in order to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of Source 107 and Control Device C19.

4. Under 25 Pa. Code § 127.12b, all conditions contained in Title V Operating Permit 59-00004 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in Title V Operating Permit 59-00004, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in Title V Operating Permit 59-00004.

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

#### PLAN APPROVAL

#### PUBLIC HEARINGS

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

**01-05035A: Tucker Industrial Liquid Coatings, Inc.'s** (407 North Avenue, East Berlin, PA 17316) for construction of three paint booths in East Berlin Borough, **Adams County**. The three spray paint booths (as well as the entire facility) are subject to the requirements of 40 CFR Part 63, Subpart M—National Emission Standards for HAPs: Surface Coating of Miscellaneous Metal Parts and Products (Subpart M). Subpart M's applicable HAP emission limit is 2.6 pounds organic HAP per gallon coating solids used during each 12-month compliance period. The proposed plan approval establishes a VOC emission limit for the facility and the three spray paint booths of 41.4 and 27.9 tons, respectively, during any consecutive 12-month period. The plan approval will contain additional emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the plan approval application, the Department of Environmental Protection's (Department) analysis, and other relevant information are available for public review at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. An appointment to review the documents may be sched-

uled by contacting Jennifer Troutman at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposed plan approval. The hearing will be held on August 27, 2009, at 7 p.m. at the East Berlin Community Center. The public is invited to comment on the proposed plan approval. Persons wishing to give testimony at the hearing should contact Bev Witmer at (717) 705-4703 to reserve a time to present any testimony. Oral testimony will be limited to 10 minutes. All groups or organizations are required to designate one witness to present testimony on its behalf. Commentators shall provide two written copies of their remarks at the time of the hearing. Persons interested in submitting written comments should send their comments to David Gher, West Permitting Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, within 30 days of this notice.

Person with a disability wishing to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Bev Witmer at (717) 705-4703 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### 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.*

**15-00022: Columbia Gas Transmission Corp.** (310 Fellowship Road, Chester Springs, PA 19425) for renewal of the original Title V Operating Permit issued on September 28, 2004, and amended on November 27, 2007, in West Vincent Township, **Chester County**. There have been no other changes made to the permit since it was amended on November 27, 2007. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00017: Transcontinental Gas Pipeline Co., LLC** (60 Bacton Hill Road, Frazer, PA 19355) for renewal of the original Title V Operating Permit issued on October 7, 2004, and no changes made since it was issued in East Whiteland Township, **Chester County**. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**48-00083: Milliken Acquisition Corp.** (2625 Brodhead Road, Suite 100, Bethlehem, PA 18020) for a State-only operating permit (SOOP) for their facility in Bethlehem Township, **Northampton County**. The sources at the facility include one Binks Spray Booth. Emissions from the booth are controlled by spray filter panels. The sources do not have the potential to emit major quantities of regulated pollutants above Title V

thresholds. The proposed SOOP contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**36-05148: Country Value Woodworks, LLC** (2302 Beaver Valley Pike, New Providence, PA 17560) for operation of a wood furniture finishing operation in Providence Township, **Lancaster County**. Country Value Woodworks is limiting its emissions to below 25 tpy of VOCs. Actual emissions are expected to be 13 tpy of VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**67-03145: Weldon Machine Tool, Inc.** (1800 West King Street, York, PA 17404) for operation of a coating booth at the facility in West Manchester Township, **York County**. This is a non-Title V (State-only) facility. Potential VOC and combined HAP emissions are estimated to be less than 34 and 13 tpy, respectively. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**56-00095: Thiele Manufacturing, LLC** (309 Spruce Street, Windber, PA 15963-0188) for renewal of the 2004 State-only operating permit for their plant in Paint Township, **Somerset County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and 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.*

**1340 East Philadelphia Avenue**, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Jeff Brunner, Inergy Propone, LLC (d/b/a, Farm and Home) 3115 State Road, Telford, PA 18969 on behalf of Kurt Davidheiser, Davidheiser Property Management, LLC, 138 Keller Road, Barto, PA 19504 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.

**Morrell Plaza**, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, James Stynchula, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Gerald Pouncey, MAG II Morrell Plaza, LP, 3343 Peachtree Road, N.E., Atlanta, GA 30326 has submitted a 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 Statewide Health Standard and Site-Specific Standard.

**Saville Residence**, East Pikeland Township, **Chester County**. Stacie Cottone, J & J Spill Service and Supplies Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Benjamin Saville, 222 Kimble Drive, Phoenixville, PA 19460 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Jeff and Chris Jeanguenat Property**, Town of Bloomsburg, **Columbia County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Jeff and Chris Jeanguenat, 364 East Second Street, Bloomsburg, PA 17815 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a residential property.

## 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.*

**Mench Residence**, Concord Township, **Delaware County**. Dan Ruch, Underwood Engineering, 143 Harding Avenue, Bellmawr, NJ 08031 on behalf of Robert

Mench, 1120 Clayton Greenspring Road has submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline and lead. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on July 6, 2009.

**Former United States Postal Services Truck Terminal Annex**, City of Philadelphia, **Philadelphia County**. Brad Molotsky, Brandywine Circa South, LP, 55 East Lancaster Avenue, Suite 100, Radnor, PA 19087, Christopher Orzechowski, P. G., Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of Kyle Rosato, University of Pennsylvania, 3101 Walnut Street, Philadelphia, PA 19104 has submitted a Remedial Investigation/Cleanup Plan and Risk Assessment Report concerning the remediation of site groundwater an soil contaminated with chlorinated solvent. The Remedial Investigation/Cleanup Plan and Risk Assessment Report were approved by the Department of Environmental Protection on July 7, 2009.

**Eastern Prestressed Concrete Site**, Hatfield Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Ryan Conner, PREI Hatfield Associates, LP, 1001 East Hector Road, Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline, diesel fuel and No. 2 fuel oil. The Final Report was placed on hold by the Department of Environmental Protection on June 30, 2009.

**Boylan Residence**, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, Inc., 135 Old Plains Road, Pottsville, PA 18073 on behalf of Laura Boylan, 410 Monastery Avenue, Philadelphia, PA 19355 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 29, 2009.

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

**Leeward Construction Route 611 Site**, Route 611 and Wiscasset Road, Pocono Township, **Monroe County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of their client, Department of Transportation, Maintenance District 5-4, R. R. 7, Box 7460, Stroudsburg, PA 18360), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a diesel powered portable water pump due to a broken return line and from a nonregulated, off-road diesel skid tank due to a small hole. The report documented attainment of the Residential Statewide Health Standard for Soils and was approved on July 7, 2009. The report was originally submitted within 90 days of the release.

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

**Former Valley Hand Screen Printing Property**, City of Lebanon, **Lebanon County**. Earth Resource Associates, Inc., 544 Hemlock Lane, Lebanon, PA 17042, on behalf of The Housing Authority of Lebanon County, P. O. Box 420, Lebanon, PA 17402-0420, submitted a Baseline Environmental Report concerning remediation of

groundwater contaminated with VOCs from historical industrial activities. The site was designated a Special Industrial area and remediated to the Site-Specific Standard using pathway elimination. The Department of Environmental Protection approved the Baseline Environmental Report on July 8, 2009.

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

**Growmark F. S., Inc.** (Pleasant Gap Crop Center), Spring Township, **Centre County**. Groundwater Sciences Corp., 2601 Market Place Street, Suite 310, Harrisburg, PA 17701 on behalf of Growmark F.S., Inc., 308 NE Front Street, Milford, DE 19963 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with herbicides and fertilizers. The Final Report demonstrated attainment of the Statewide Health Standard and the Site-Specific Standard and was approved by the Department of Environmental Protection on July 7, 2009.

**Jeff and Chris Jeanguenat Property**, Town of Bloomsburg, **Columbia County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Jeff and Chris Jeanguenat, 364 East Second Street, Bloomsburg, PA 17815 has submitted a Final Report within 90 days of the release concerning the remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 10, 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

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

**E48-379. Slate Hills Enterprises, Inc.**, 6 Mount Bethel Plaza, Mount Bethel, PA 18343. Washington and Plainfield Townships, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To fill an abandoned 5-acre water-filled, slate quarry for the purpose of eliminating a safety hazard (Bangor and Stroudsburg, PA Quadrangles N: 40° 52' 32"; W: 75° 14' 24") in Washington and Plainfield Townships, Northampton County.

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

**E19-275. Matthew Crone**, 292 Buckhorn Road, Bloomsburg, PA 17816. Crone Foot Bridge, in Hemlock Township, **Columbia County**, United States Army Corps of Engineers, Baltimore District (Millville, PA Quadrangle Latitude: 41° 02' 28.04"; Longitude: 76° 31' 36.1").

To construct, operate and maintain a foot bridge that will have a span of 48 linear feet and underclearance of 8 feet and 150 linear feet of R7 riprap stream bank protection along the right bank of Hemlock Creek. This permit also authorizes the operation and maintenance of 85 feet of existing riprap along the right bank of Hemlock Creek and to operate and maintain a 22 foot by 24 foot garage that is within the floodway of Hemlock Creek. This project is located 2 miles northwest of Buckhorn on SR 44. This permit was issued under section 105.13(e) "Small Projects." This permit also includes section 401(a) Water Quality Certification.

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

To construct and maintain: 1) 335 linear feet of R-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**, United States Army Corps of Engineers, 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.*

**E02-1591. Bright Oaks Associates, LP**, 5541 Walnut Street, Pittsburgh, PA 15232. To construct a new bridge in North Fayette Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Oakdale, PA Quadrangle N: 8.2 inches; W: 13.0 inches, Latitude: 40° 25' 14"; Longitude: 80° 13' 10").

1. To remove an existing wood bridge over the North Branch Robinson Run (WWF) and to restore the stream banks of said stream;

2. To construct and maintain a 50 feet long con-span arch culvert having a span of 28.0 feet with an underclearance of 10.0 feet, along with 33-foot long wingwalls at the upstream and downstream openings, across the channel of North Branch Robinson Run, for the purpose of providing access to the proposed Bright Oaks Residential Development. The new structure will be located approximately 170 feet downstream of the existing structure that will be removed;

3. To construct and maintain a temporary road crossing in the North Branch Robinson Run, for the purpose of constructing the con-span arch culvert;

4. To construct and maintain an 80 feet long, 36 inch diameter RCP culvert in a UNT (UNT-2) to North Branch Robinson Run (Drainage Area (D.A.) < 100 acres), and to plant vegetation along this watercourse;

5. To place and maintain fill along UNT-2, at several locations, within the assumed 50-ft floodway (D.A. < 100 acres);

6. To construct and maintain sanitary and storm sewer utility line crossings of UNT-2 (D.A. < 100 acres);

7. To construct and maintain an outfall structure from off-stream, Pond No. 2, to UNT-2; and

8. To operate and maintain two existing pipes in UNT-1.

The water obstructions are associated with the construction of the Bright Oaks Residential Development, which is located on the north side of North Branch Road, approximately 2,000 feet northwest from the intersection of North Branch and Bateman Roads. Total length of permanent channel impacts is approximately 273 feet. Total length of temporary stream impacts is 42 feet.

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

**E16-138**, Department of Transportation, District 10-0 SR 1009, Section 350, in Clarion Township, **Clarion County**, United States Army Corps of Engineer, Pittsburgh District (Strattanville, PA Quadrangle N: 41° 10' 40"; W: 79° 22' 00").

To remove the existing structure and to construct and maintain a prestressed concrete beam bridge having a clear span of 87.6 feet and an underclearance of 14.75 feet on a 65° skew across Brush Run and impacting a de minimis amount of adjoining wetland (< 0.01 temporary and permanent) on SR 1009, Section 350, Segment 0040, Offset 0065 approximately 50 feet upstream of the existing bridge south of I-80 approximately 1 mile west of the Greenville Pike interchange.

#### 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 and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

ESCGP-1 No.: ESX09-125-0012

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, Other

ESCGP-1 No.: ESX09-125-0013  
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 Raccoon Creek, Other

ESCGP-1 No.: ESX09-125-0014  
Applicant Name: MarkWest Liberty Midstream & Resources  
Contact Person: Brian Rayburn  
Address: 100 Plaza Drive, Suite 102  
City: Atlasburg State: PA Zip Code: 15004  
County: Washington Township(s): Mt. Pleasant and Hopewell  
Receiving Stream(s) and Classifications: Cross Creek, HQ

ESCGP-1 No.: ESX09-059-0018  
Applicant Name: EQT Production Company  
Contact Person: Hanna E. McCoy  
Address: 225 North Shore Drive, 3rd Floor  
City: Pittsburgh State: PA Zip Code: 15212  
County: Greene Township(s): Morgan  
Receiving Stream(s) and Classifications: Castille Run, WWF

ESCGP-1 No.: ESX09-059-0019  
Applicant Name: Eastern American Energy Corp.  
Contact Person: Jon D. Curry  
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, Other

ESCGP-1 No.: ESX09-051-0020  
Applicant Name: XTO Energy, Inc.  
Contact Person: Scott B. Huntington  
Address: 395 Airport Road  
City: Indiana State: PA Zip Code: 15701  
County: Fayette Township(s): Springfield  
Receiving Stream(s) and Classifications: Trib 38425 to Workman Run

ESCGP-1 No.: ESX09-059-0020  
Applicant Name: EQT Production Company  
Contact Person: Hanna E. McCoy  
Address: 225 North Shore Drive, 3rd Floor  
City: Pittsburgh State: PA Zip Code: 15212  
County: Greene Township(s): Morgan  
Receiving Stream(s) and Classifications: UNT to Poverty Run and Grimes Runs (Both WWF)

ESCGP-1 No.: ESX09-063-0003  
Applicant Name: PC Exploration, Inc.  
Contact Person: Gary Clark  
Address: 502 Keystone Drive  
City: Warrendale State: PA Zip Code: 15086  
County: Indiana Township(s): Burrell  
Receiving Stream(s) and Classifications: Blacklick Creek, Other

ESCGP-1 No.: ESX09-059-0021  
Applicant Name: EQT Production Company  
Contact Person: Hanna E. McCoy  
Address: 225 North Shore Drive, 3rd Floor  
City: Pittsburgh State: PA Zip Code: 15212  
County: Greene Township(s): Morgan  
Receiving Stream(s) and Classifications: Castile Run (WWF), Other

ESCGP-1 No.: ESX09-125-0015  
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): Chartiers  
Receiving Stream(s) and Classifications: UNT to Chartiers Run, Other

ESCGP-1 No.: ESX09-059-0022

Applicant Name: CNX Gas Company, LLC  
Contact Person: Kenneth J. Kormendy  
Address: 2481 John Nash Boulevard  
City: Bluefield State: WV Zip Code: 24701  
County: Greene Township(s): Center  
Receiving Stream(s) and Classifications: Lightner Run, HQ

ESCGP-1 No.: ESX09-005-0004

Applicant Name: EQT Production Company  
Contact Person: Hanna E. McCoy  
Address: 225 North Shore Drive, 3rd Floor  
City: Pittsburgh State: PA Zip Code: 15212  
County: Armstrong Township(s): Plum Creek  
Receiving Stream(s) and Classifications: UNT to Cherry Run, CWF

ESCGP-1 No.: ESX09-125-0017

Applicant Name: EQT Production Company  
Contact Person: Hanna E. McCoy  
Address: 225 North Shore Drive, 3rd Floor  
City: Pittsburgh State: PA Zip Code: 15212  
County: Washington Township(s): Amwell  
Receiving Stream(s) and Classifications: Tenmile Creek, Other

ESCGP-1 No.: ESX09-125-0018

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): Hopewell  
Receiving Stream(s) and Classifications: UNT to Cross Creek, HQ

ESCGP-1 No.: ESX09-059-0023

Applicant Name: Atlas Energy Resources, LLC  
Contact Person: Jeremy Hirtz  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Greene Township(s): Cumberland/Jefferson  
Receiving Stream(s) and Classifications: UNT 41068 to Muddy Creek, Other

ESCGP-1 No.: ESX09-125-0016

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): Mount Pleasant  
Receiving Stream(s) and Classifications: UNT to Millers Run, Other

ESCGP-1 No.: ESX09-051-0021

Applicant Name: Atlas Energy Resources, LLC  
Contact Person: Jeremy Hirtz  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Fayette Township(s): German  
Receiving Stream(s) and Classifications: UNT to Cats Run, Other

ESCGP-1 No.: ESX09-129-0016

Applicant Name: Atlas Energy Resources, LLC  
Contact Person: Jeremy Hirtz  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Westmoreland Township(s): South Huntingdon  
Receiving Stream(s) and Classifications: Sewickley Creek, Other

ESCGP-1 No.: ESX09-063-0004

Applicant Name: XTO Energy, Inc.  
Contact Person: Scott Huntington  
Address: 395 Airport Road  
City: Indiana State: PA Zip Code: 15701  
County: Indiana Township(s): White  
Receiving Stream(s) and Classifications: UNT Twolick Creek, Other



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

ESCGP-1 # ESX09-015-0020

Applicant Name Appalachia Midstream Services, LLC

Contact Person Joel Moore

Address 1 Grand Park, 777 NW Grand Boulevard

City, State, Zip Oklahoma City, OK 73118

County Bradford Township(s) Asylum and Monroe Townships

Receiving Stream(s) and Classification(s) South Branch Towanda, Durell, and Bennetts Creeks

ESCGP-1 # ESX09-117-0007

Applicant Name Midstream Covington, LLC

Contact Person Bruce Clark

Address P. O. Box 2081

City, State, Zip Erie, PA 16512

County Tioga Township(s) Bloss, Charleston, Covington and Richmond Townships

Receiving Stream(s) and Classification(s) Tioga River Watershed

ESCGP-1 # ESX09-015-0022

Applicant Name Fortuna Energy

Contact Person Marty Memory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford County Township(s) Franklin Township

Receiving Stream(s) and Classification(s) Towanda Creek

ESCGP-1 # ESX09-033-0002

Applicant Name Victory Energy Corporation

Contact Person Elmer Gromley

Address 220 Airport Road

City, State, Zip Indiana, PA 15701

County Clearfield Township(s) Chest and Ferguson Townships

Receiving Stream(s) and Classification(s) McMasters Run, Wilson Run, UNT to Wilson Run, and UNT to North Witmer Run

ESCGP-1 # 66-09-801

Applicant Name Chief Oil and Gas, LLC

Contact Person Michael Hritz

Address 6051 Wallace Road, Ext., Suite 210

City, State, Zip Wexford, PA 15090

County Wyoming Township(s) Nicholson Township

Receiving Stream(s) and Classification(s) Susquehanna River

ESCGP-1 # 35-09-801

Applicant Name EXCO-North Coast Energy, Inc.

Contact Person Joel Heiser

Address 1 GOJO Plaza, Suite 325

City, State, Zip Akron, OH, 44311-1057

County Lackawanna Township(s) Greenfield

Receiving Stream(s) and Classification(s) South Branch Tunkhannock Creek, Dundaff Creek

ESCGP-1 # ESX09-117-0008

Applicant Name Fortuna Energy, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Tioga Township(s) Jackson Township

Receiving Stream(s) and Classification(s) UNT and Tributary to Alder Run, Alder Run and Hammond Creek

ESCGP-1 # ESX09-013-0001

Applicant Name Chief Oil and Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road Ext., Suite 210

City, State, Zip Wexford, PA 15090

County Bradford Township(s) Juniata Township

Receiving Stream(s) and Classification(s) Poplar Run

ESCGP-1 # 59-09-804

Applicant Name East Resources, Inc.

Contact Person Scott Blauvlet

Address 301 Brush Creek Road

City, State, Zip Warrendale, PA 15086

County Tioga Township(s) Charleston

Receiving Stream(s) and Classification(s) Hills Creek and Catlin Hollow

ESCGP-1 # 59-09-805  
 Applicant Name East Resources, Inc.  
 Contact Person Scott Blauvlet  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga Township(s) Sullivan  
 Receiving Stream(s)and Classification(s) Elk Run

ESCGP-1 # ESX09-117-0006 (Phase II)  
 Applicant Name Ultra Resources, Inc.  
 Contact Person W. R. (Bill) Picquet  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Tioga Township(s) Gaines Township  
 Receiving Stream(s)and Classification(s) Lewis and Dewey Runs

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-04-008	Allegheny Petroleum Products Co. 999 Airbrake Avenue Wilmerding, PA 15148-1064 Attn: Luke Wisniewski	Beaver	Harmony Township	4 ASTs storing petroleum products	120,000 gallons total

**SPECIAL NOTICES**

**DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE**

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

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
The Municipal Authority of the Borough of Matamoras	304 Pennsylvania Avenue Matamoras, PA 18336	Pike County

*Project Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Municipal Authority of the Borough of Matamoras proposes the Matamoras Waterline Replacement Project (PENNVEST ID No. 52021030904-CW) which consists of a waterline replacement project primarily in Westfall Township, Pike County. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Categorical Exclusion.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	50 Woodhaven Drive White Haven, PA 18661	South Whitehall Township Lehigh County

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Aqua Pennsylvania, Inc. proposes to upgrade the community water system serving Springhouse Farms. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the project for Categorical Exclusion.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	50 Woodhaven Drive White Haven, PA 18661	Lower Macungie Township Lehigh County

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Aqua Pennsylvania, Inc. proposes to upgrade the community water system serving Maple Hills development. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant,

adverse environmental impact resulting from this proposal. The Department hereby approves the project for Categorical Exclusion.

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Ulster Municipal Authority	P. O. Box 157 Ulster, PA 18850	Bradford County

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Ulster Municipal Authority proposes to construct a membrane filtration plant to treat their wells. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 09-1325. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Alternative Energy Production Tax Credit; Program Opportunity Notice

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for an Alternative Energy Production Tax Credit provided for in the Alternative Energy Investment Act of 2008 (73 P. S. §§ 1649.101—1649.711). This program provides a Tax Credit of 15% of the net cost of alternative energy production projects located in the Commonwealth. There is a limit of \$1,000,000 per taxpayer and \$5,000,000 for the program year 2009.

Eligible projects could include projects which: produce or distribute alternative energy, manufacture or produce products which provide alternative energy or alternative fuels, improve energy efficiency or conserve energy, research and develop technology to provide alternative energy sources or alternative fuels, develop or enhance the transportation of alternative fuels by means as rail, developing new more efficient locomotives or enhancing the efficiency of existing locomotives.

Eligible applicants include Pennsylvania taxpayers who completed a qualifying project in this Commonwealth between July 9, 2008 and December 31, 2008, in the preceding tax year.

The application package including guidance, instructions and application forms is available electronically on the Department's web site at <http://www.dep.state.pa.us>, key word "Alternative Energy Tax Credit." The application package is also available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411.

Applications for projects must be received or post-marked by September 15, 2009. E-mails or faxes will not be accepted. Use staples only, no binding or cover pages.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1326. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Bid Opportunity

**DGS:181-24.1, DEP:C35:1-101.1, Repairs to Wildcat Creek Flood Protection Project, Blakely Borough, Lackawanna County.** The principal items of work include mobilization and demobilization, 7,350 linear feet of fence fabric, 750 each of upgraded fence posts, 84 each of repair concrete walls, 43 each of repair concrete slabs and 9,520 square feet of seal concrete wall tops. This project issues on July 24, 2009, and bids will be opened on August 25, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1327. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Bid Opportunity

**DGS:181-25, DEP:D15-023-101.1, Vincent Dam removal project, Limerick Township, Montgomery County and East Vincent Township, Chester County.** The principal items of work include mobilization and demobilization, erosion and sediment control, dam removal and disposal, river bank stabilization and seeding. This project issues on July 24, 2009, and bids will be opened on August 25, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1328. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Pennsylvania's Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Wednesday, July 29, 2009, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Thomas Bell at (717) 783-8411 or [tbell@state.pa.us](mailto:tbell@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1329. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Small Water Systems Technical Assistance Center Advisory Board Meeting Cancellation Notice

The July 30, 2009, meeting of the Small Water Systems Technical Assistance Center (TAC) Advisory Board is cancelled. The next meeting is scheduled for Thursday, October 15, 2009, at 10 a.m., in Room 105, 1st Floor of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the next scheduled meeting of the Small Water Systems TAC Advisory can be directed to Veronica Kasi at (717) 787-0122, vbkasi@state.pa.us. The agenda and meeting materials for the October 15, 2009, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keyword: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1330. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of American Access Care of Pennsylvania, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that American Access Care of Pennsylvania, LLC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-2.4.2.1 (relating to Phase II recovery) and 3.7-2.7.1 (relating to outpatient surgical facilities pre-op area).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1331. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of Children's Hospital of Allentown, LCC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Allentown, LCC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.3.2.1(1)(a) (relating to space in procedure room) and 5.3.2.2(1) (relating to space in the operating rooms).

This facility is also requesting an exception to 28 Pa. Code § 107.2 (relating to medical staff membership).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1332. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of The Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-10.1.2.3(4) (relating to inpatient toilet rooms).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1333. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility

specifically requests exception from the following standards contained in this publication: 3.1-5.2.11 (relating to corridor width), 3.1-5.2.14 (relating to exam room door) and 3.1-2.1.1.1 (relating to floor area for exam room).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1334. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.1 (relating to space requirements in outpatient facilities).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1335. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of Foundation Surgery Center of Fort Washington, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Foundation Surgery Center of Fort Washington, LLC has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1336. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of Hazleton Surgery Center, LLC, d/b/a Center for Advanced Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hazleton Surgery Center, LLC, d/b/a Center for Advanced Surgery has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1337. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of Hershey Endoscopy Center for Exception

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

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1338. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of McCandless Endoscopy Center, LLC for Exception

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

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1339. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of Ophthalmology of Surgical Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ophthalmology of Surgical Institute has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1340. Filed for public inspection July 24, 2009, 9:00 a.m.]

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

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

Barnes-Kasson County Hospital  
Good Shepherd Rehabilitation Hospital  
Ohio Valley General Hospital  
Punxsutawney Area Hospital  
Temple University Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by

requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1341. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of UPMC Mercy South Side Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy South Side Surgery Center has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1342. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.3-2.1.3.1 (relating to space in requirements in treatment room).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1343. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.2 (relating to handwashing stations) and 3.1-2.1.8.1 (relating to toilet facilities).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1344. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Application of West Shore Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Shore Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

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

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

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1345. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Reporting and Referral Act (11 P.S. §§ 876-1—876-90) will hold a public meeting on Thursday, September 17, 2009, from 10 a.m. to 3 p.m., in the Lebanon Room, Harrisburg Pennsylvania Training and Technical Assistance (PaTTAN) Offices, 6340 Flank Drive, Harrisburg, PA 17112. Driving directions can be found on the PaTTAN web site at [www.pattan.net/about/Harrisburg.aspx](http://www.pattan.net/about/Harrisburg.aspx).

For additional information, or if you are a person with a disability and wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143 or speech and/or hearing impaired persons should



use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1346. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Phoebe Berks Health Care Center, Inc.  
1 Heidelberg Drive  
Wernersville, PA 19565  
FAC ID 167802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.21(a) and 205.36(b)(h) (relating to special care room; and bathing facilities).

Fox Subacute at Mechanicsburg  
120 South Filbert Street  
Mechanicsburg, PA 17055

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j)(k) (relating to electric requirements for existing and new construction).

Rockhill Mennonite Community  
3250 State Road  
Sellersville, PA 18960  
FAC ID 182802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1347. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of

1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, August 6, 2009, from 10 a.m. to 3 p.m. in the Administration Building Conference Rooms A and B, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information, or if you are a person with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Maureen Young, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons should use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1348. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Schedule of Meetings for Uniform Construction Code (UCC) Review and Advisory Council

The Department of Labor and Industry (Department) will have a meeting on August 27, 2009, at 10 a.m.—5 p.m. at 651 Boas Street Room E-100, Harrisburg, PA, 17121.

Additional information concerning the meeting may be found on the Department's web site at [www.dli.state.pa.us/codes](http://www.dli.state.pa.us/codes). Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this meeting may be directed to Edward Leister at (717) 783-6304.

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 09-1349. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Income and Resource Limits for a Spouse Living in the Community When the Other Spouse is Institutionalized

#### Purpose of Notice

The Department of Public Welfare increased the income and resource limits described in 55 Pa. Code §§ 178.124(a)(3)(i) and (ii) and 181.452(d)(2)(iv). These regulations establish the basis for determining the Monthly Community Spouse Maintenance Need Amount and the minimum and maximum Community Spouse Resource Standard for Categorically Needy Nonmoney Payment and Medically Needy Only Medicaid Programs. These standards are required to be published annually in

the *Pennsylvania Bulletin*, and are available to the public upon request at the local County Assistance Offices.

The following limits became effective January 1, 2009, as required by 42 U.S.C.A. § 1396r-5:

Maximum Community Spouse Resource Standard	\$109,560
Minimum Community Spouse Resource Standard	\$21,912
Maximum Monthly Community Spouse Maintenance Needs Allowance	\$ 2,739

#### *Fiscal Impact*

The fiscal impact of this change is estimated at \$1.103 million in State funds in Fiscal Year (FY) 2008-2009 and \$2.206 million in State funds for FY 2009-2010 and has been included in the Medical Assistance Long-Term Care appropriation.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this information to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-612. (1) General Fund; (2) Implementing Year 2008-09 is \$1.103M; (3) 1st Succeeding Year 2009-10 is \$2.206M; 2nd Succeeding Year 2010-11 is \$2.206M; 3rd Succeeding Year 2011-12 is \$2.206M; 4th Succeeding Year 2012-13 is \$2.206M; 5th Succeeding Year 2013-14 is \$2.206M; (4) 2007-08 Program—\$692,585; 2006-07 Program—\$695,279; 2005-06 Program—\$817,890; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1350. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania PayDay™ Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania PayDay™.

2. *Price:* The price of a Pennsylvania PayDay™ instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania PayDay™ instant lottery game ticket will contain one play area featuring a “PAYDAY NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions

located in the “PAYDAY NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Moneybag symbol (MNYBAG) and a Peanut symbol (PEANUT).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$40<sup>.00</sup> (FORTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$1,000, \$50,000 and \$100,000. The player can win up to ten times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a second-chance drawing for nonwinning Pennsylvania Lottery PayDay™ instant game tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania PayDay™ instant lottery game.

#### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “PAYDAY NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “PAYDAY NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “PAYDAY NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$1,000 (ONE THO) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears under that Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “PAYDAY NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$100 (ONE HUN) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$10.00 (TEN DOL) appears under that Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PAYDAY NUMBERS" play symbols and a prize symbol of \$50.00 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$50.00 (FIFTY) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$5.00 (FIV DOL) appears under that Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PAYDAY NUMBERS" play symbols and a prize symbol of \$40.00 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$40.00 (FORTY) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PAYDAY NUMBERS" play symbols and a prize symbol of \$20.00 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$20.00 (TWENTY) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PAYDAY NUMBERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$10.00 (TEN DOL) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PAYDAY NUMBERS" play symbols and a prize symbol of \$5.00 (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut symbol (PEANUT), and a prize symbol of \$5.00 (FIV DOL) appears under that Peanut symbol (PEANUT), on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The PayDay Numbers, Win with Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$5 w/PEANUT	\$5	15	440,000
\$5	5	15	440,000
\$10 w/PEANUT	\$10	60	110,000
\$5 x 2	\$10	60	110,000
\$10	\$10	60	110,000
\$20 w/PEANUT	\$20	120	55,000
\$5 x 4	\$20	120	55,000
\$20	\$20	60	110,000
\$40 w/PEANUT	\$40	600	11,000
\$5 x 8	\$40	600	11,000
\$10 x 4	\$40	600	11,000
\$20 x 2	\$40	600	11,000
\$40	\$40	600	11,000
\$50 w/PEANUT	\$50	600	11,000
\$5 x 10	\$50	600	11,000
\$5 w/MONEYBAG	\$50	600	11,000
\$10 x 5	\$50	600	11,000
\$50	\$50	600	11,000
\$100 w/PEANUT	\$100	2,182	3,025
\$10 x 10	\$100	2,182	3,025
\$10 w/MONEYBAG	\$100	2,182	3,025

When Any Of Your Numbers  
Match Any Of The PayDay  
Numbers, Win with Prize(s)  
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,600,000 Tickets
\$50 × 2	\$100	2,143	3,080
\$100	\$100	2,143	3,080
\$1,000 w/PEANUT	\$1,000	10,909	605
\$100 × 10	\$1,000	12,000	550
\$100 w/MONEYBAG	\$1,000	10,909	605
\$1,000	\$1,000	10,909	605
\$50,000	\$50,000	660,000	10
\$100,000	\$100,000	1,320,000	5

Peanut (PEANUT) = Win prize shown under it automatically.  
Moneybag (MONEYBAG) = Win 10 times the prize shown under it.

Pennsylvania Lottery's Bonus PayDay™ Second-Chance Drawings: Five (5) separate Second-Chance Drawings will be held for a chance to win five hundred (500) \$1,000 cash prizes. Each drawing will select one hundred (100) \$1,000 cash prizes. Entry receipt deadlines to be eligible for each drawing are by 4:00 p.m. on the following dates: September 3, October 8, November 12, December 17, 2009 and March 4, 2010. Two ways to enter: US mail; web entry. The odds of winning a prize in a specific second-chance drawing depend on the number of entries received. For each validated web entry, the player can also play the PayDay™ Virtual Game for a chance to win additional prizes as determined by the Secretary and announced on the Lottery's website (<http://www.palottery.com>). These prizes are not part of the Prize Structure and are provided to PA Lottery at no charge.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania PayDay™ Second-Chance Drawing Requirements for entry by mail or entry by way of the Lottery's website:*

(a) To enter by mail, players must mail exactly two (2) non-winning Pennsylvania PayDay™ instant lottery tickets in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings, P. O. Box 999, Middletown, PA 17057-0999. The player shall affix proper postage to the entry.

(1) Envelopes containing less than or more than two (2) non-winning Pennsylvania PayDay™ instant lottery tickets shall be disqualified.

(2) Non-winning Pennsylvania PayDay™ instant lottery tickets received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania PayDay™ instant lottery tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(3) Winning Pennsylvania PayDay™ instant lottery tickets submitted to the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings' address will not be paid or honored. Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings' entries containing winning Pennsylvania PayDay™ instant lottery tickets will be disqualified.

(4) The back of each non-winning Pennsylvania PayDay™ instant lottery ticket entered in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket or entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

(b) To enter via the Lottery's web site, players must go to the Pennsylvania Lottery's website (<http://www.palottery.com>), follow the PayDay™ promotional link and follow the instructions to establish an entry account and enter the identifying information from two non-winning Pennsylvania PayDay™ instant lottery tickets.

(1) The contents of the entry account must be accurate and complete and shall include the player's name, street address, city, state, zip code, telephone number and acknowledgment or signature. Incomplete entry accounts can not be submitted.

(2) Only one claimant per entry allowed. Claimant must be 18 years of age or older.

(3) Entries submitted via the Lottery's website must be submitted from a computer within Pennsylvania.

(4) Winners will be required to produce the two actual tickets used to create the entry for the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing to claim prizes.

(c) Non-winning Pennsylvania PayDay™ instant lottery tickets submitted by mail are not eligible to be submitted via the Lottery's website and non-winning tickets submitted via the Lottery's website are not eligible to be submitted by mail. Violation of this provision will result in the disqualification of the entry.

#### 11. *Second-Chance Drawing Procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings. All Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings' entries received at Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings, P. O. Box 999, Middletown, PA 17057-0999 on or before 4:00 p.m. March 4, 2010, or received via the Lottery's website on or before 4:00 p.m. March 4, 2010, will be eligible to participate in one of the five Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entries received at Lottery Headquarters on or before 4:00 p.m. September 3, 2009, or received via the Lottery's website on or before 4 p.m. September 3, 2009, will be eligible to participate in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing which will be held at Lottery Headquarters the week of September 7, 2009.

(2) All Pennsylvania Lottery Bonus PayDay™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00:01 p.m. September 3, 2009, through 4:00 p.m. October 8, 2009, or received via the Lottery's web site after 4:00:01 p.m. September 3, 2009, through 4:00 p.m. October 8, 2009, will be eligible to participate in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing which will be held at Lottery Headquarters the week of October 12, 2009.

(3) All Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00:01 p.m. October 8, 2009, through 4:00 p.m. November 12, 2009, or received via the Lottery's web site after 4:00:01 p.m. October 8, 2009, through 4:00 p.m. November 12, 2009, will be eligible to participate in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing which will be held at Lottery Headquarters the week of November 16, 2009.

(4) All Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00:01 p.m. November 12, 2009, through 4:00 p.m. December 17, 2009, or received via the Lottery's website after 4:00:01 p.m. November 12, 2009, through 4:00 p.m. December 17, 2009, will be eligible to participate in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing which will be held at Lottery Headquarters the week of December 21, 2009.

(5) All Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00:01 p.m. December 17, 2009, through 4:00 p.m. March 4, 2010, or received via the Lottery's web site after 4:00:01 p.m. December 17, 2009, through 4:00 p.m. March 4, 2010, will be eligible to participate in the final Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing which will be held at Lottery Headquarters the week of March 8, 2010.

(b) A Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entry is eligible for only one Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing. The Lottery will make a reasonable effort to ensure that each Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entry is entered into the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing. The Lottery assumes no responsibility for an entry not entered into the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing.

(c) To be eligible for a Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing, entries sent via the mail must have complied with the requirements of section 10(a).

(d) To be eligible for a Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing, entries submitted via the Lottery's website must have complied with the requirements of section 10 (b).

(e) Manner of conducting the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings.

(1) All entries will be placed in numbered containers. All entries received by mail will be placed in numbered physical containers, each containing approximately 500 envelopes. All internet entries received via the Lottery's website will be placed in numbered virtual containers, each containing approximately 500 entries.

(2) A computer-generated randomizer will be used to select the numbered containers from which the winners will be selected, one from each container. The randomizer will not differentiate between physical and virtual containers. Winning entries can be selected from both physical and virtual containers. The randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) If the numbered container selected is a physical container, one envelope will be randomly drawn from the container. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10(a). If the entry does not meet the requirements of section 10(a), another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from the designated container will entitle its owner to the prize described in section 12.

(a) After notification by the Lottery that the player's entry was selected, the individual who submitted the entry will be required to complete and return a Lottery claim form.

(b) The right to claim the prize will expire one year from the date of notification by the Lottery and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

(4) If the numbered container selected is a virtual container, a computer-generated randomizer will be used to randomly select one entry from the container. The individual who submitted the entry will be entitled to the Prize described in section 12.

(a) The submission of an entry via the Internet which is selected to win a prize in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance drawing will require the individual who submitted the entry to submit the two tickets used to create the submission and a Lottery claim form to the Lottery within 1 year of the Lottery notifying the individual who submitted the entry that the entry was selected.

(b) The back of each non-winning Pennsylvania PayDay™ instant lottery ticket entered in the Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing via the Lottery's website and selected to win a prize must be completed by the same player who created the account in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature.

(c) If the tickets used to create the submission are not received by the Lottery within one year or the tickets do not meet the requirement of section 10(b)(2), the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

(5) If a Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing entry is rejected during the

Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(6) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(7) The payment of a prize awarded in the Pennsylvania Lottery—Bonus Second-Chance Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code §§ 811.16 (relating to prizes payable after death of a prize winner).

12. *Description of Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings Prizes:* There will be 100 cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery—Bonus PayDay™ Second-Chance Drawings.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania PayDay™ instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania PayDay™ instant game, prize money from winning Pennsylvania PayDay™ instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania PayDay™ instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania PayDay™ instant game or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-1351. Filed for public inspection July 24, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Demolition and Removal of Properties

The Department of Transportation, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17745-0218, will be accepting sealed bids for the demolition and removal of the following properties.

*Property 1.* Claim Number 5400079000, Parcel 48, 5454 Park Road, Selinsgrove, PA 17870. A two story log home 52 by 28 with attached garage 26 by 30. There is no asbestos identified. Directions: Route 15 South to Park

Road (Papa John's Pizza) turn right, go approximately 1/4 mile past Palmer road drive is on left.

*Property 2.* Claim Number 5900075000, Parcel 21, 2800 County Line Road, Winfield, PA 17889. A two story frame home 38 by 33 with large barn 37 by 60 with attached milk house and garage 30 by 49 block frame and one pump house 11 by 15 and 12 by 15 pavilion. There is asbestos present. Directions Route 15 south approximately 1/2 mile south of Route 15 and Route 304 intersection, turn right on County Line Road, first house on right.

*Property 3.* Claim Number 4900157000, Parcel 33, 219 Hollow Road, Northumberland, PA 17875. A razed Ranch 63 by 33 12 by 16 shed and aboveground pool with decks. There is asbestos present. Directions: Past 405 junction with 147 south 1.1 miles and turn left onto Hollow Road 2/10 mile house on left.

Bids will be accepted until Monday, August 17, 2009, at 10 a.m., at which time they will be opened in Conference Room B. An inspection of the properties will be held on August 3, 2009, between 11 a.m. and 1 p.m. Inquires should be directed to Thomas E. Hall, Real Estate Specialist, (570) 368-4336. Prequalification of bidders is not required on bids under \$25,000.

ALLEN D. BIEHLER, P. E.,  
Secretary

[Pa.B. Doc. No. 09-1352. Filed for public inspection July 24, 2009, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Glenhardie Condominium Association v. DEP and Realen Valley Forge Greenes Associates, Permit- tee; EHB Doc. No. 2009-098-MG; 5-29-09 Modifi- cation—NPDES Permit No. PAI014607003

The Glenhardie Condominium Association has appealed the issuance by the Department of Environmental Protection of an NPDES modification permit to Realen Valley Forge Greenes Association for a facility in Upper Merion Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
Acting Chairperson

[Pa.B. Doc. No. 09-1353. Filed for public inspection July 24, 2009, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-84	Department of Labor and Industry Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeals Board; Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges	7/13/09	8/20/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-1354. Filed for public inspection July 24, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval of a Proposed Merger Between Penn Attorneys Title Insurance Company and Ohio Bar Title Insurance Company

Penn Attorneys Title Insurance Company, a title insurance company organized under the laws of the Commonwealth, has filed an application for approval to merge with Ohio Bar Title Insurance Company, an Ohio domiciled title insurance company, with Ohio Bar Title 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); 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 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1355. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Capital Blue Cross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Program; Rate Filing

By filing, 09-JJ Capital Blue Cross (CBC) and Capital Advantage Insurance Company (CAIC) request approval of rates for a new Individual Direct Pay Comprehensive Major Medical Benefit Program, which is intended to replace the existing Individual Direct Pay Comprehensive Major Medical Benefit Program offered by CAIC. The new Program will be offered in the Plans' 21 county Central Pennsylvania and Lehigh Valley service area.

The requested rates for the new product jointly issued by CBC and CAIC, would be 12% higher than the current rate for the CAIC product. It would affect approximately 5,635 contracts and would produce additional income of about \$4.2 million annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 8, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regu-

lation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1356. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Liberty Mutual Fire Insurance Company and The First Liberty Insurance Company; Homeowners; Rate Filing

On July 2, 2009, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company and The First Liberty Insurance Company a filing for a proposed rate change for Homeowners insurance.

Liberty Mutual Fire Insurance Company requests an overall 4.9% increase amounting to \$2,832,000 annually, to be effective October 1, 2009, for new business and renewal business.

The First Liberty Insurance Company requests an overall 4.8% increase amounting to \$2,553,000 annually, to be effective October 1, 2009, for new business and renewal business.

Unless formal administrative action is taken prior to August 31, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1357. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Relocation

The Insurance Department's Philadelphia Regional Office will relocate on August 7, 2009. The new office address is Commonwealth Insurance Department, Bureau of Consumer Services, Philadelphia Regional Office, 801 Market Street, Room 6062, Philadelphia, PA 19107, (215) 560-2630, fax (215) 560-2648, business hours 8 a.m. to 4:30 p.m.

Questions or comments regarding this notice may be directed to Peter J. Salvatore, Administrative Officer, Bureau of Administration, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions or com-

ments may also be sent by e-mail to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or by fax to (717) 705-3873.

PETER J. SALVATORE,  
Bureau of Administration

[Pa.B. Doc. No. 09-1358. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Anthony Dzuricky; file no. 09-181-72241; Erie Insurance Exchange; Doc. No. P09-07-007; August 27, 2009, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1359. Filed for public inspection July 24, 2009, 9:00 a.m.]



**PENNSYLVANIA  
INFRASTRUCTURE  
INVESTMENT AUTHORITY  
AND  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

**Clean Water and Drinking Water State Revolving  
Fund Programs; 2nd Public Meeting on Ameri-  
can Recovery and Reinvestment Act Intended  
Use Plans**

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared addendums to the Intended Use Plans (IUPs) for the funding for the Clean Water State Revolving Loan Fund (CWSRF) and Drinking Water State Revolving Loan Fund (DWSRF) authorized under the American Recovery and Reinvestment Act (ARRA). These addendums to these IUPs include a list of drinking water, wastewater treatment, green infrastructure and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from the AARA for this purpose. In accordance with United States Environmental Protection Agency guidelines on the development of the IUPs, a public meeting has been scheduled for July 29, 2009, at 1 p.m. in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is scheduled for the purpose of receiving comments from the public regarding these addendums to the IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs or the priority ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Division of Technical and Financial Assistance at the address or telephone number listed at the end of this notice or by e-mail to vbkasi@state.pa.us by 4 p.m. on July 28, 2009. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a funding from the Clean Water and Drinking Water State Revolving Loan funds must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed in the ARRA IUPs are on the Commonwealth's Project Priority Lists (PPLs) and are expected to proceed with design and engineering or construction before February 17, 2010. A project must appear on a PENNVEST-approved IUP before it can receive funding from the State Revolving Fund programs. A project's readiness to proceed, job creation and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The Commonwealth's allocation of funding for the DWSRF from the ARRA is approximately \$65.6 million. Of this amount a minimum of 20% must be set-aside for green infrastructure projects. The usual requirement for a 20% State match has been waived.

The Commonwealth's allocation of funding for the CWSRF from the ARRA is approximately \$155.2 million. Of this amount a minimum of 20% must be set-aside for green infrastructure projects. The usual requirement for a 20% state match has been waived.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs or the PPLs. Interested persons may also submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Division of Technical and Financial Assistance by close of business, August 3, 2009.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Veronica Kasi at (717) 772-4053 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs and the PPLs may be obtained by contacting the Division of Technical and Financial Assistance at (717) 772-4053 or through the Department's web site at [http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=\[30198\]](http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=[30198])

Department of Environmental Protection  
Bureau of Water Standards and Facility Regulation  
Division of Technical and Financial Assistance  
P. O. Box 8467  
11th Floor  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101  
(717) 772-4053

PENNVEST  
22 South Third Street  
4th Floor  
Keystone Building  
Harrisburg, PA 17101  
(717) 787-8137

JOHN HANGER,  
*Secretary*  
*Department of Environmental Protection*  
*Vice-Chairperson*  
*Pennsylvania Infrastructure Investment Authority*

PAUL K. MARCHETTI,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 09-1360. Filed for public inspection July 24, 2009, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Energy Efficiency and Conservation Plan

**M-2009-2092222. Metropolitan Edison. M-2009-2112952. Penelec and M-2009-2112956. Penn Power Petitions for approval of their 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 14, 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:* Metropolitan Edison, Penelec and Penn Power

*Through and By Counsel:* Bradley A. Bingaman, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

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 29, 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:* Wednesday, July 29, 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 David A. Salapa  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 783-5452  
Fax: (717) 787-0481

Persons with a disability, and who wish to attend the hearing, the Commission may be able to make arrangements for your 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 your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1361. Filed for public inspection July 24, 2009, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 10, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### **Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2009-2110957. (Corrected) David I. Christofor, t/a Christofor's Transport Services** (545 East Main Street, Reynoldsville, Jefferson County, PA 15851)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Jefferson, Indiana and Clearfield, to points in Pennsylvania, and return.

**A-2009-2118710. Albert Allison Austin, LLC, t/a Safe Secure Shuttle Service** (406 East Springwood Place, Port Matilda, Centre County, PA 16870)—persons, upon call or demand, in University Park, the Borough of State College, and the Townships of College, Ferguson, Halfmoon, Harris and Patton, all in Centre County.

### **Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2009-2118854. Ellen M. Wyckoff, t/a Easy Moves** (414 Geary Avenue, New Cumberland, Cumberland County, PA 17070)—household goods in use, between points in the Counties of Dauphin and Cumberland and from points in said counties to points in Pennsylvania and vice versa.

### **Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2009-2117782. Butler Motor Transit, Inc.,** (P. O. Box 1602, 210 South Monroe Street, Butler, Butler

County, PA 16603)—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service between points in the Counties of Butler, Lawrence, Beaver, Armstrong, Clarion, Jefferson and Forest; subject to the certain limitations and conditions more fully described therein.

**A-2009-2117506. William G. Whiteside** (316 Mt. Eden Road, Kirkwood, Lancaster County, PA 17536)—discontinuance of service—persons, in paratransit service, from points in the County of Lancaster, to points in Pennsylvania and return.

**A-2009-2105545. Nghia Trong Le** (150 Sproul Road, Malvern, Chester County, PA 19355)—discontinuance of service and cancellation of its certificate—persons upon call or demand in that portion of Chester County on and north of Old U.S. Highway Route 30.

**A-2009-2117508. Daniel V. Meranti, t/a Meranti Limousine** (160 Rock Street, Pittston, Luzerne County, PA 18640)—discontinuance of service and cancellation of its certificate—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Luzerne, Lackawanna and Wyoming to points in Pennsylvania, and return.

**A-2009-2117514. Advanced Transfer, Inc.** (5529 Gibson Road, Gibsonia, Allegheny County, PA 15044)—a corporation of the Commonwealth—discontinuance of service and cancellation of its certificate—household goods in use, between points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including such places; and from points in said area, to other points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-1362. Filed for public inspection July 24, 2009, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### Odor Management Plan—Public Notice Spreadsheet—Actions

Ag Operation Name, Address	County/Township	Animal Equivalent Units	Animal Type	New or Amended	Action Taken
Brett Wagner R. R. 2, Box 542 Mifflintown, PA 17059	Juniata County Walker Township	95.21	Broiler	New	6/23/2009
David Stoltzfus Cedar Hill Road Peach Bottom, PA 17563	Lancaster County Fulton Township	138.25	Mature Cows Heifers Valves Mules Road Horse Chicken	New	6/23/2009

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1363. Filed for public inspection July 24, 2009, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

August 20, 2009 Gerald R. Rockett 10 a.m.  
Change Retirement Option  
Selection

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 09-1364. Filed for public inspection July 24, 2009, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of June 1, 2009, to June 20, 2009.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436; rcairo@src.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified previously:

#### Approvals By Rule Issued:

1. Chesapeake Appalachia, LLC, Pad ID: Bencotter, ABR-20090601, Auburn Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 2, 2009.

2. Chesapeake Appalachia, LLC, Pad ID: Strom, ABR-20090602, Monroe Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 2, 2009.

3. Chesapeake Appalachia, LLC, Pad ID: Evanchick, ABR-20090604, Granville Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 3, 2009.

4. Chesapeake Appalachia, LLC, Pad ID: Vargson, ABR-20090605, Granville Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 3, 2009.

5. Range Resources Appalachia, LLC, Pad ID: Ogontz 3, ABR-20090606, Cummings Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: June 5, 2009.

6. Range Resources Appalachia, LLC, Pad ID: McWilliams 1, ABR-20090607, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: June 5, 2009.

7. Alta Operating Company, LLC, Pad ID: Ivey Pad Site, ABR-20090608, Forest Lake Township, Susquehanna County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: June 10, 2009.

8. Fortuna Energy, Inc., Pad ID: Shedden D 13-43, ABR-20090603, Troy Township, Bradford County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: June 10, 2009.

9. Fortuna Energy, Inc., Pad ID: State Lands 587 Pad No. 1, ABR-20090609, Ward Township, Tioga County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: June 16, 2009.

10. Chesapeake Appalachia, LLC, Pad ID: Welles 1, ABR-20090610, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 18, 2009.

11. Fortuna Energy, Inc., Pad ID: Williams 41-42, ABR-20090611, Troy Township, Bradford County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: June 23, 2009.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

THOMAS W. BEAUDUY,  
*Deputy Director*

[Pa.B. Doc. No. 09-1365. Filed for public inspection July 24, 2009, 9:00 a.m.]

### Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 8:30 a.m. on June 18, 2009, in Binghamton, NY. The Commission held a public hearing as part of its regular business meeting. At the public hearing, the Commission: 1) approved, modified and tabled certain water resources projects; 2) approved two water resources projects involving diversions; 3) rescinded approval for one water resources project; 4) approved settlements involving three water resources projects; and 5) considered two requests for an administrative hearing on projects previously approved by the Commission. Details concerning these and other matters addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice. For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306 fax (717) 238-2436, rcairo@srbc.net or Stephanie L.

Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304 fax (717) 238-2436, srichardson@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### *Supplementary Information*

In addition to the public hearing and its related action items identified, the following items were also presented or acted on at the business meeting: 1) recognition of Col. Peter Mueller, alternate United States Member of the Commission, who is departing his position as Baltimore District Engineer in July 2009; 2) a report on the present hydrologic conditions of the basin indicating recovery from winter precipitation deficits; 3) a presentation on SRBC's Flooding "Priority Management Area" with additional information on the third anniversary of the June 2006 flood and enhancements to flood warning and preparedness; 4) presentation of the Maurice K. Goddard Award to David Nicosia of the National Weather Service, Binghamton Office; 5) adoption of an Application Fee Policy for Mine Drainage Withdrawals to guide the granting of fee waivers or reductions to projects using water impaired by abandoned mine drainage; 6) approval for proposed rulemaking regarding Commission approval of projects undergoing Federal licensing/relicensing of and other revisions; 7) revisions to the FY-2010 budget commencing July 1, 2009; 8) adoption of a FY-2011 budget commencing July 1, 2010; 9) ratification of a contract with the United States Geological Survey on simulation of baseline streamflow conditions, and approval of a grant application to the Pennsylvania Infrastructure Investment Authority (PENNVEST) regarding expansion of an innovative stormwater management project at the Pennsylvania Farm Show Complex; and 10) election of the member representing the United States Government as the new Chair of the Commission and the member representing the State of New York as the new Vice-Chair of the Commission to serve in the next Fiscal Year. The Commission also heard counsel's report on legal matters affecting the Commission. The Commission also convened a public hearing and took the following actions:

#### *Public Hearing—Projects Approved*

1. Project Sponsor and Facility: ALTA Operating Company, LLC (Turner Lake), Liberty Township, Susquehanna County, PA. Surface water withdrawal of up to 0.393 mgd.

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, PA. Surface water withdrawal of up to 0.999 mgd.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, PA. Surface water withdrawal of up to 0.499 mgd.

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Newton), Terry Township, Bradford County, PA. Surface water withdrawal of up to 0.999 mgd.

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—McCarthy), Wyalusing Township, Bradford County, PA. Surface water withdrawal of up to 1.440 mgd.

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek—Monroe Hose), Monroe Township, Bradford County, PA. Surface water withdrawal of up to 0.400 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek—DeCristo), Leroy Township, Bradford County, PA. Surface water withdrawal of up to 0.499 mgd.

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek—Vanderfeltz), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.499 mgd.

9. Project Sponsor and Facility: Citrus Energy (Inez Moss Pond), Benton Township, Columbia County, PA. Surface water withdrawal of up to 0.099 mgd.

10. Project Sponsor and Facility: East Resources, Inc. (Tioga River—Greer), Richmond Township, Tioga County, PA. Surface water withdrawal of up to 0.107 mgd.

11. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (Little Muncy Creek—LYC-01, Jordan), Franklin Town, Lycoming County, PA. Surface water withdrawal of up to 0.041 mgd.

12. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (Little Muncy Creek—LYC-02, Temple), Franklin Town, Lycoming County, PA. Surface water withdrawal of up to 0.091 mgd.

13. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (South Branch Tunkhannock Creek—WSC), Benton Township, Lackawanna County, PA. Surface water withdrawal of up to 0.091 mgd.

14. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (West Branch Susquehanna River—Sproul State Forest), Burnside Township, Centre County, PA. Surface water withdrawal of up to 1.080 mgd.

15. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Three Mile Island Generating Station, Unit 1, Londonderry Township, Dauphin County, PA. Modification to project features of the consumptive water use approval (Docket No. 19950302).

16. Project Sponsor and Facility: Grand Water Rush, LLC (Grand Farm Pond), Dunnstable Township, Clinton County, PA. Surface water withdrawal of up to 0.022 mgd.

17. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation. Project Facility: Hollywood AMD Treatment Plant, Huston and Jay Townships, Clearfield and Elk Counties, PA. Groundwater withdrawal of up to 2.890 mgd from six deep mine complexes.

18. Project Sponsor: Department of Environmental Protection, Bureau of Abandoned Mine Reclamation. Project Facility: Lancashire No. 15 AMD Treatment Plant, Barr Township, Cambria County, PA. Groundwater withdrawal of up to 7.400 mgd from Recovery Wells 1—3, and D Seam Discharge.

19. Project Sponsor: PPL Holtwood, LLC. Project Facility: Holtwood Hydroelectric Station, Martic and Conestoga Townships, Lancaster County, and Chanceford and Lower Chanceford Townships, York County, PA. Redevelopment modifications of its operations on the lower Susquehanna River, including the addition of a second power station and associated infrastructure.

20. Project Sponsor and Facility: Schuylkill County Municipal Authority, Pottsville Public Water Supply System, Mount Laurel Subsystem, Butler Township, Schuylkill County, PA. Groundwater withdrawal of up to 0.362 mgd from the Gordon Well.

21. Project Sponsor and Facility: Southwestern Energy Company (Tunkhannock Creek—Price), Gibson Township, Susquehanna County, PA. Surface water withdrawal of up to 0.380 mgd.

22. Project Sponsor and Facility: Stone Energy Corporation (Wyalusing Creek—Hogan), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd.

23. Project Sponsor and Facility: Stone Energy Corporation (Wyalusing Creek—Stang), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd.

24. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Surface water withdrawal of up to 0.100 mgd.

25. Project Sponsor: Titanium Metals Corporation. Project Facility: Titanium Hearth Technologies, Inc., d/b/a TIMET North American Operations, Caernarvon Township, Berks County, PA. Groundwater withdrawal of up to 0.099 mgd from Well 1.

26. Project Sponsor and Facility: Ultra Resources, Inc. (Elk Run), Gaines Township, Tioga County, PA. Surface water withdrawal of up to 0.020 mgd.

27. Project Sponsor and Facility: Valley Country Club, Sugarloaf Township, Luzerne County, PA. Groundwater withdrawal of up to 0.090 mgd from the Pumphouse Well and 0.090 mgd from the Shop Well.

*Public Hearing—Projects Tabled*

1. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, PA. Application for groundwater withdrawal of 0.099 mgd from Laurel Springs.

2. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, PA. Application for consumptive water use of up to 0.099 mgd.

3. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (Black Moshannon Creek), Snow Shoe Township, Centre County, PA. Application for surface water withdrawal of up to 0.140 mgd.

4. Project Sponsor and Facility: Fortuna Energy, Inc. (Towanda Creek—Franklin Township Volunteer Fire Department), Franklin Township, Bradford County, PA. Application for surface water withdrawal of up to 2.000 mgd.

5. Project Sponsor and Facility: J-W Operating Company (Abandoned Mine Pool—Unnamed Tributary to Finley Run), Shippen Township, Cameron County, PA. Application for surface water withdrawal of up to 0.090 mgd.

6. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, PA. Application for consumptive water use of up to 0.870 mgd.

7. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, PA. Application for surface water withdrawal from the Susquehanna River of up to 55.050 mgd.

*Public Hearing—Projects Withdrawn*

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek—Wells), Wyalusing Borough, Bradford County, PA. Application for surface water withdrawal of up to 0.999 mgd.

2. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (East Branch Tunkhannock Creek), Clifford Township, Lackawanna County, PA. Application for surface water withdrawal of up to 0.130 mgd.

*Public Hearing—Projects Approved Involving Diversions*

1. Project Sponsor: Department of Environmental Protection, Bureau of Abandoned Mine Reclamation. Project Facility: Lancashire No. 15 AMD Treatment Plant, Barr Township, Cambria County, PA. Into-basin diversion of up to 10.000 mgd from the Ohio River Basin.

2. Project Sponsor and Facility: Schuylkill County Municipal Authority, Pottsville Public Water Supply System, Mount Laurel Subsystem, Butler Township, Schuylkill County, PA. Out-of-basin diversion of up to 0.428 mgd to the Delaware River Basin for water supply; and an existing into-basin diversion of up to 0.485 mgd from the Delaware River Basin.

*Public Hearing—Rescission of Project Approval*

1. Project Sponsor: Corning Incorporated; Fall Brook Facility (Docket No. 19960301), Corning, Steuben County, NY.

*Public Hearing—Enforcement Actions*

The Commission approved settlements in lieu of civil penalties for the following projects:

1. Belden & Blake Corporation (EnerVest Operating, LLC)—\$150,000

2. Chester County Solid Waste Authority—\$51,000

3. East Resources, Inc. (Tioga River)—\$75,000

*Public Hearing—Administrative Appeals*

1. Docket No. 20081203 from petitioner Mark A. Givler, Esq.—The Commission granted Mr. Givler's request to supplement his filing, but denied his request for an administrative hearing and his request to reopen the docket.

2. Docket No. 20090315, from petitioner Delta Borough—The Commission tabled action on this appeal at the request of the petitioner.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807 and 808.

Dated: July 8, 2009.

THOMAS W. BEAUDUY,  
*Deputy Director*

[Pa.B. Doc. No. 09-1366. Filed for public inspection July 24, 2009, 9:00 a.m.]