

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Emerald Ash Borer

Recitals

A. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. EAB has worked its way east from Michigan, where it was first detected in 2002.

B. EAB has killed over 40 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB presents a clear threat to the Commonwealth's forest and horticultural resources.

C. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

D. The Department has issued previous EAB-related Orders of Quarantine, establishing a quarantined area that includes all of Allegheny, Beaver, Butler, Lawrence, Mercer, Mifflin and Westmoreland Counties, and restricting the movement of designated articles and materials from this quarantined area.

E. EAB has recently been detected in Armstrong and Washington Counties—counties outside of the current quarantined area—making it necessary to expand the quarantined area to include those counties.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed, incorporated into this Order by reference, the Department hereby orders the following:

1. Confirmation of Quarantine; Addition of Armstrong and Washington Counties to the Quarantined Area.

a. The quarantine established by Orders of June 27, 2007, July 16, 2007, June 27, 2008, March 1, 2009 and June 10, 2009 with respect to Allegheny, Beaver, Butler, Lawrence, Mercer, Mifflin and Westmoreland Counties (collectively, the quarantined area) remains in effect, subject to the conditions set forth in this Order.

b. A quarantine is hereby established with respect to Armstrong and Washington Counties, effective immediately. Armstrong and Washington Counties are part of the quarantined area, and are subject to the conditions set forth in this Order.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

a. The Emerald Ash Borer in any living stage of development;

b. Ash trees of any size;

c. Ash limbs, branches, stumps and roots;

d. Any cut, nonconiferous (hardwood) firewood;

e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

f. Ash logs and lumber with either the bark or the outer 1 inch of sapwood, or both, attached;

g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and

h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit (as described in Paragraph No. 4) attached;

b. Without a certificate or limited permit (as described in Paragraph No. 4) attached if:

i. The regulated article is moved by the United States Department of Agriculture or the Department for experimental or scientific purposes; or

ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40 ° F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

c. Without a certificate or limited permit (as described in Paragraph No. 4) attached if a USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Intrastate Movement of Articles.* The Department or a person operating under a compliance agreement will issue a certificate or limited permit authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied that all of the following are accurate:

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the act to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Cancellation of a Certificate or Limited Permit.* Any certificate or limited permit may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit has not complied with the act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the intrastate movement of regulated articles that have met all of the requirements of Paragraph No. 4.

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph No. 6) certificate or limited permit securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

8. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following address or telephone number: Department of Agriculture, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

10. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

11. *Cooperation with other agencies.* The Department will consult with USDA, other state agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect EAB to slow the spread or eradicate this pest.

12. *Effective Date.* This quarantine is effective as of July 15, 2009, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-1419. Filed for public inspection August 7, 2009, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 28, 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.

NOTICES

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-22-2009	<i>From:</i> Continental Bank Plymouth Meeting Montgomery County <i>To:</i> Continental Bank Plymouth Meeting Montgomery County	Plymouth Meeting	Withdrawn
Application for conversion from a Federally-chartered stock savings bank to a Pennsylvania State-chartered stock savings bank.			

Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-20-2009	Black River BancVenture, Inc., Memphis, TN, to acquire up to 24.9% of the voting securities of Allegiance Bank of North America, Bala Cynwyd, PA	Bala Cynwyd	Filed
7-22-2009	George G. Levin to acquire up to 24.4% of the common stock of NOVA Financial Holdings, Inc., Berwyn	Berwyn	Filed
7-23-2009	Kenneth B. and Moira F. Mumma to acquire up to 25.3% of the common stock of New Century Bank, Phoenixville	Phoenixville	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-27-2009	Commercial Bank & Trust of PA Latrobe Westmoreland County	West Point Plaza, Suite 1 100 West Point Drive Greensburg Westmoreland County	Filed
7-27-2009	Fleetwood Bank Fleetwood Berks County	455 Main Street Shoemakersville Berks County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-22-2009	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	<i>Into:</i> 338 North Washington Avenue Scranton Lackawanna County <i>From:</i> 139 Wyoming Avenue Scranton Lackawanna County	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061727 (Sewage)	St. Gabriel's Monastery 631 Griffin Pond Road Clarks Summit, PA 18411-8828	Lackawanna County South Abington Township	Wet Weather Channel to Leggetts Creek 5A	Y

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0111830 IW	Emporium Specialties Company, Inc. P. O. Box 65 Austin, PA 16720	Potter County Austin Borough	Freeman Run 8A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239461	Jeremy E. Weiland 887 Ekastown Road Sarver, PA 16055-1207	Clinton Township Butler County	UNT to Sarver Run 18-F	Y
PA0221601	Sherman Properties, LLC P. O. Box 138 Tionesta, PA 16353	Tionesta Township Forest County	Allegheny River 16-E	Y
PA0001988	INDSPEC Chemical Corporation 133 Main Street Petrolia, PA 16050-0307	Petrolia Borough Butler County	South Branch Bear Creek 17-C	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.

PA0026786, Sewage, SIC 4952, **Pottstown Borough Authority**, 100 High Street, Pottstown, PA 19464. The facility is located in Pottstown Borough, **Montgomery County**.

Description of Activity: Discharge of 12.85 mgd of treated sewage from Pottstown Borough STP into Schuylkill River in Pottstown Borough, Montgomery County.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3E and is classified for WWF. The nearest downstream public water supply intake for Suburban Water Company is located on Schuylkill River and is approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 12.85 mgd, are as follows:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	2,143	3,215	20	30	40
(11-1 to 4-30)	2,679	4,287	25	40	50
Total Suspended Solids	3,215	4,823	30	45	60
Ammonia as N (5-1 to 10-31)	857		8.0		16.0
(11-1 to 4-30)	1,714		16.0		32.0
Phosphorus as P			Monitor		
Fecal Coliform (#/100 ml)			200		1,000*
Dissolved Oxygen			Shall not be less than 5.0 mg/l at all times		
pH (Standard Units)			within limits of 6.0 to 9.0 Standard Units at all times		
Total Dissolved Solids (Issuance—Year 2)			Monitor	Monitor Daily Maximum	Monitor
Total Dissolved Solids (Year 3—Expiration)			1,000	2,000 Daily Maximum	2,500
Total Residual Chlorine			0.5		1.6
Copper, Total			0.040		0.074
Zinc, Total			Monitor		
Mercury, Total			Monitor		
Aluminum, Total			Monitor		
Benzidine			Monitor		

* Shall not exceed in more than 10% samples.

The proposed effluent limits for Outfall 002, based on an average storm event, are as follows:

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

The EPA waiver is not in effect.

Other Requirements:

1. Notification of Designated Operator.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater Runoff.
5. Acquiring Necessary Rights.
6. Change in Ownership.
7. Approved Tests Methods.
8. TRC Minimizations.
9. Proper Sludge Disposal.
10. Watershed TMDL/WLA Analysis.
11. WET Test for Next Renewal.
12. Certified Operator Requirements.
13. I-Max Requirements.
14. Stormwater Requirements.
15. Pretreatment Program Requirements.
16. Operations and Maintenance Plan.
17. Laboratory Certification.
18. I-Max Requirements for Fecal Coliform.
19. No PCBs Discharge.
20. PCBs Monitoring Requirements.

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

PA0026107-A1, Sewage, **Wyoming Valley Sanitation Authority**, P. O. Box 33A, Wilkes-Barre, PA 18703-1333. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Activity: Amendment of NPDES Permit to received 150,000 gpd of Oil and Gas Drilling Wastewater.

The receiving stream, North Branch Susquehanna River, is in the State Water Plan Watershed 5B and is classified for: WWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on the North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 32.0 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform	200/100 ml as a Geometric Mean		
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean		
(10-1 to 4-30)	6.0 to 9.0 Standard Units at all times.		
pH	0.50		
Total Residual Chlorine	1.20		

NOTICES

Limits from issuance until December 31, 2010

	<i>Monthly Average (lbs/Day)</i>	<i>Daily Maximum (lbs/Day)</i>
TDS—January	Report	411,585
TDS—February	Report	511,698
TDS—March	Report	880,228
TDS—April	Report	1,194,399
TDS—May	Report	529,023
TDS—June	Report	254,089
TDS—July	Report	156,383
TDS—August	Report	111,062
TDS—September	Report	96,765
TDS—October	Report	140,356
TDS—November	Report	235,920
TDS—December	Report	469,896
Chlorides	Report	Report
Sulfate	Report	Report

Limits from January 1, 2011, until Expiration (February 28, 2013)

	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum (mg/l)</i>
TDS	500 mg/l	1,000 mg/l	1,250
Chlorides	250 mg/l	500 mg/l	625
Sulfates	250 mg/l	500 mg/l	625

Limits from issuance until Expiration (February 28, 2013)

	<i>Monthly Average mg/l</i>	<i>Daily Maximum mg/l</i>
Copper	0.76	0.86
Zinc	0.42	0.50
Acetone	7.97	30.2
Acetophenone	0.06	0.11
2-Butanone	1.85	4.81
o-Cresol	0.56	1.92
p-Cresol	0.2	0.7
Phenol	1.08	3.65
Pyridine	0.18	0.37
2,4,6-Trichlorophenol	0.11	0.16
Cadmium	0.005	0.008
Mercury	0.00090	0.0014
Cyanide, Free	Report	Report
Lead	Report	Report
Selenium	Report	Report
Silver	Report	Report
Thalium	Report	Report
Iron, Total	1.5	3.0
Manganese, Total	1.0	2.0
Aluminum, Total	0.75	1.5
Oil and Grease	15	30
Ammonia	25	50
Barium, Total	10	20
Strontium, Total	10	20

Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/L) Monthly Average</i>	<i>Mass (lbs) Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	584,467*
Net Total Phosphorus		Report	77,929*

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMRs—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

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

Outfalls 059 and 060 (Stormwater):*

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

Permittee has the option to perform an annual inspection of facilities in lieu of annual monitoring.

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

Point Sources 002—58 (except 014, 027, 041, 047, 048 and 050) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or treatment plant. In accordance with the Department's Environmental Protection Agency approved CSO strategy, a special permit requirement is included in Part C of this Permit.

Other Conditions: Sludge disposal, Pretreatment Operating and Reporting Requirements, Combined Sewer Overflows, WETT, the Chesapeake Bay Tributary Nutrient Strategy, Stormwater and Residual Waste.

The EPA waiver is not in effect.

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

Application No. PA 0085502, Sewage, **DeAnn Corporation (Manada Creek Mobile Home Park)**, 1000 North Front Street, Wormleysburg, PA 17043. This facility is located in East Hanover Township, **Dauphin County**.

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

The receiving stream, UNT Manada Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for PA American Water Company is located on the Manada Creek, approximately 8.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.012 mgd are:

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12
Total Residual Chlorine	0.06		0.18
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

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

PA0002062-A2, Industrial Waste, SIC 4911, **RRI Energy Northeast Management Company**, 121 Champion Way, Canonsburg, PA 15317.

The Department is amending the NPDES permit to include two new internal outfalls from the proposed gypsum storage area stormwater settling basin as well as modify existing Outfall 006.

The following effluent limitations are proposed for discharge to the receiving waters Crooked Creek (Outfall 006 and Internal Outfalls 106 and 206), classified as WWF, with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority located in Freeport, PA, approximately 40 miles below the discharge point on the Allegheny River.

Outfall 006: Existing stormwater discharge to Crooked Creek, variable flow.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
Chromium			Monitor and Report		
Nickel			Monitor and Report		
Titanium			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

Internal Outfall 106: New discharge to Crooked Creek, maximum discharge flow of 0.18 mgd.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
Oil and Grease			15		30
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
Chromium			Monitor and Report		
Nickel			Monitor and Report		
Titanium			Monitor and Report		
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Internal Outfall 206: New discharge to Crooked Creek, variable flow.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
Oil and Grease			15		30
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
Chromium			Monitor and Report		
Nickel			Monitor and Report		
Titanium			Monitor and Report		
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 Standard Units				

The EPA waiver is not in effect.

PA0041289, Sewage, Uniontown Area School District, 23 East Church Street, Uniontown, PA 15401-3578. This application is for renewal of an NPDES permit to discharge treated sewage from Franklin Elementary School STP in Franklin Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.0039 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.017			0.04
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0090557, Sewage, **Extencicare Health Services, Inc.**, 257 Georgetown Road, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated sewage from Beaver Valley Nursing and Rehabilitation Center STP in South Beaver Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale of Painter Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Liverpool Water Works.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0253901, Sewage, **Borough of Dale, Dale Borough**, 810 Bedford Street, Johnstown, PA 15902. This application is for issuance of an NPDES permit to discharge combined sewage from combined sewer outfalls in Dale Borough, **Cambria County**.

The Outfalls in the Borough serve as a combined sewer overflows which may discharge to the Solomon River receiving water. Discharges from these outfalls are necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. At this time, there are no specific numeric effluent limitations on the outfall's discharges. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

Other Conditions: Dale Borough has proposed a plan to control its combined sewer overflow (CSO) discharges through; the construction of a new sanitary-only collector sewer system, the exclusion of all wet weather flow related inflow sources from the new collector sewer system and property lateral sewer systems and the cessation of all wet weather related sanitary sewage discharges upon completion of the sewer separation project. The existing sewer collection system will be converted to a strictly stormwater-only conveyance system. In a letter dated July 10, 2008, the Department of Environmental Protection has approved the Borough of Dale's long-term CSO management plan (LTCP). A task identification and implementation schedule and post-construction compliance monitoring requirement is included in this permit with the proposed LTCP completion required within forty months following the permit effective date.

The EPA waiver is in effect.

PA0032425, Sewage, **Department of Conservation and Natural Resources, Bureau of State Parks, Ohioyle State Park**, P. O. Box 105, Ohioyle, PA 15470-0105. This application is for renewal of an NPDES permit to discharge treated sewage from Ohioyle State Park Campground Sewage Treatment Plant in Stewart Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority located on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.5			5.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.01			0.02
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204285, Sewage, **Waynesburg, LLP**, 3101 Homestead Duquesne Boulevard, West Mifflin, PA 15122. This application is for renewal of an NPDES permit to discharge treated sewage from Reesman Mobile Home Park STP in Morgan Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of South Fork Tenmile Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri-County Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.034 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.02			0.05
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0002135, Industrial Waste, **Calumet Penreco, LLC**, 138 Petrolia Street, Karns City, PA 16041. The existing facility is located in Karns City Borough, **Butler County**.

Description of Proposed Activity: an NPDES Permit for an existing discharge of treated industrial waste, treated stormwater and untreated stormwater.

The receiving water is South Branch Bear Creek (SBBC) for Outfall Nos. 001, 002, 005—009, 013, 014, 020, 022, 023, 031, 033 and 034; and UNTs to SBBC for Outfall Nos. 004, 010—012 and 032. The receiving stream is in State Water Plan 17-C and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, PA Water Company—East Brady, is located on Allegheny River and is approximately 21.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.356 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX	XX			
CBOD ₅					
(5-1 to 10-31)	47.5	95	16	32	40
(11-1 to 4-30)	95	190	32	64	80
Total Suspended Solids	XX	XX	45	135	135
Oil and Grease	XX		15		30
NH ₃ -N					
(5-1 to 10-31)	4	8	1.3	2.6	3.25
(11-1 to 4-30)	11.5	23	3.9	7.8	9.75
Dissolved Oxygen			Greater than 5.0 mg/l at all times		
Aluminum	1.43	2.86	0.48	0.96	1.2
Total Iron #	4.61+	9.22+	1.56	3.12	3.9
Manganese	2.3	4.6	0.77	1.54	1.93
Copper	0.065	0.13	0.022	0.044	0.055
Lead	0.032	0.065	0.011	0.022	0.027
Acetone	14.2	28.5	4.8	9.6	12.0
Zinc	XX	XX	0.058	0.15	0.15
Temperature			Daily Average		
January 1—31			44		
February 1—29			41.3		
March 1—31			58.1		
April 1—15			75.2		
April 16—30			93.1		
May 1—15			94.9		
May 16—30			110		
June 1—15			101.8		
June 16—30			110		
July 1—31			90.8		
August 1—15			87		
August 16—31			87		
September 1—15			84		
September 16—30			78		
October 1—15			72		
October 16—31			66		
November 1—15			60.9		
November 16—30			51.3		
December 1—31			44.2		
Fecal Coliform (5-1 to 9-30)			200/100 ml as a Geometric Average		
pH			6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

+—Total loading for Outfall 001 and 004.

#—See Special Condition No. 6.

The proposed effluent limits for Outfall 002 based on a design flow of varies mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Total Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report on monthly DMRs.

The proposed effluent limits for Outfall 004 based on a design flow of varies mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
TSS			30		50
Oil and Grease			15		30
Total Iron #	4.61+	9.22+	2	4	5
Manganese			1.0	2.0	2.5
pH	Within limits of 6.0 to 9.0 Standard Units at all times.				

XX—Monitor and report on monthly DMRs.

+—Total Loading for Outfall 001 and 004.

#—See Special Condition No. 6.

The proposed effluent limits for Outfall 005 based on a design flow of varies mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅			XX		
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Aluminum			XX		
Total Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report on monthly DMRs.

The proposed effluent limits for Outfall 006 based on a design flow of varies mgd.

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

The proposed effluent limits for Outfall 008 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 009 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 010 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 011 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 012 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 013 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 014 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 031 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 032 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 033 based on a design flow of varies mgd.

The proposed effluent limits for Outfall 034 based on a design flow of varies mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			XX		
Aluminum			XX		
Total Iron			XX		
Manganese			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report on monthly DMRs.

The proposed effluent limits for Outfall 020 based on a design flow of varies mgd.

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

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			XX		
Aluminum			XX		
Total Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report on monthly DMRs.

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

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
TSS			XX		
TOC			XX		
Ammonia as Nitrogen			XX		
Nitrate-Nitrite Nitrogen			XX		
Oil and Grease			15		30
Aluminum			XX		
Total Iron			XX		
Manganese			XX		
Copper			XX		
Zinc			XX		
pH			XX		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is not in effect.

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

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

WQM Permit No. WQG02090909, Sewerage, **Richland Meadows**, 1590 Canary Road, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a manufactured home community with privately operated sewage collection treatment facilities. Pump station.

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

WQM Permit No. 6409402, Sewerage, **Western Wayne School District**, 2132 Easton Turnpike, Box 220, South Canaan, PA 18459. This proposed facility is located in Salem Township, **Wayne County**.

Description of Proposed Action/Activity: This project is for construction of a 5,600 gpd sewage treatment system to serve the Western Wayne Southern Elementary School. Tertiary treated wastewater water from the facility will be spray irrigated and also reused for landscape irrigation and toilet flushing.

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

WQM Permit No. 3809401, Sewerage, **South Annville Township Authority**, 829 South Spruce Street, Annville, PA 17003. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of the Mayapple Woods pump station to serve a proposed 154 lot residential subdivision and 33 existing lots.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PA1023909009(1)	Lehigh Carbon Community College Attn: Donald Synder 4525 Education Park Drive Schnecksville, PA 18078	Lehigh	North Whitehall Township	Tributary to Jordan Creek HQ-CWF, MF Jordan Creek TSF, MF Little Lehigh Creek HQ-CWF

Northampton County Conservation District: Greystone Building, 14 Gracedale Avenue, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024809008	Abraham Atiyeh 1177 Sixth Street Whitehall, PA 18052	Northampton	East Allen Township	Monocacy Creek HQ-CWF

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

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

CAFO Notices of Intent Received

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

PAG124807-Renewal, CAFO, SIC 213, **Hamilton Farm, LLC**, 10049 Ferguson Valley Road, Lewistown, PA 17044. This proposed facility is located in Adams Township, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: Renewal of General Permit. The facility is a one barn, 5,600 head, feeder-to-finishing swine operation. Manure produced on this operation is stored in a 2 million gallon HDPE lined manure storage structure. Some of the manure is used on the farm and some is exported to neighboring farms.

The receiving stream, North Branch Middle Creek, is in Watershed 6A Penns Creek and classified for: TSF.

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

STATE CONSERVATION COMMISSION

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at

the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and 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>
Wingert Dairy William Wingert 5497 Shade Lane Alexandria, PA 16611	Huntingdon	940.87	1,489.3	Dairy	HQ	New

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

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

Application No. 4809505, Public Water Supply.

Applicant	Easton Suburban Water Authority 3700 Hartley Avenue Easton, PA 18043 City of Easton Northampton County
Responsible Official	Roy White Easton Suburban Water Authority 3700 Hartley Avenue Easton, PA 18043
Type of Facility	PWS
Consulting Engineer	David E. Marks, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106
Application Received Date	July 10, 2009
Description of Action	Application proposes the construction of a replacement booster pumping station for the existing Davis Street Pump Station which will then be removed from service.

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

Permit No. 1109502, Public Water Supply.

Applicant	Greater Johnstown Water Authority 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Township or Borough	Upper Yoder Township

Responsible Official Edward Cernic
Chairperson
Greater Johnstown Water
Authority
640 Franklin Street
P. O. Box 1407
Johnstown, PA 15907

Type of Facility Interconnection

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

Application Received Date July 9, 2009

Description of Action Construction of an
interconnection between the
Greater Johnstown Water
Authority and the Municipal
Authority of Westmoreland
County's Ligonier system. This
includes the construction of a
pump station and two 1.5 million
gallon water storage tanks.

Permit No. 0209516, Public Water Supply.

Applicant **Findlay Township Municipal
Authority**
1271 Route 30
P. O. Box 409
Clinton, PA 15026

Township or Borough Findlay Township

Responsible Official Jason Orsini, Manager
Findlay Township Municipal
Authority
1271 Route 30
P. O. Box 409
Clinton, PA 15026

Type of Facility Water supply system

Consulting Engineer NIRA Consulting Engineers, Inc.
950 Fifth Avenue
Coraopolis, PA 15108

Application Received Date June 8, 2009

Description of Action Construction of water
transmission line for the Potato
Garden Phase II project.

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

Application No. 4309502, Public Water Supply.

Applicant **Liberty Township**

Township or Borough Liberty Township
Mercer County

Responsible Official Ronald Faull
Chairperson

Consulting Engineer Daniel J. Goncz, P. E.
Gannett Fleming, Inc.
554 South Erie Street
Mercer, PA 16137

Application Received Date July 24, 2009

Description of Action Water mainline extension project
to provide service to the Legends
of Grove City Housing
Development.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate
Submitted under the Land Recycling and Envi-
ronmental 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:

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

Lemon Substation, Valley Township, **Chester County**. Bruce Middleman, P.G., Stantee Consulting Services, Inc., 400 David Drive, Suite 400, Plymouth Meeting, PA 19462, Audra Crocetti, Stantee Consulting Services, Inc., 400 David Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Ben A. Lepage, Ph.D., Peco Energy, 2301 Market Street, S7-1, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of PCB. The future use of the site will remain the same.

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

Stratz Property, 3225 West Highland Street, South Whitehall Township, **Lehigh County**. Iain Barton and Jeremy Fox have submitted a Notice of Intent to Remediate (on behalf of their client, Irene Statz, 3225 West Highland Street, Allentown, PA 18104), 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 during delivery. 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 was published in *The Morning Call* on June 3, 2009. A Final Report was simultaneously submitted.

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

Allen and Rebecca Hollenbach Residence, Muhleberg Township, **Berks County**. Dorson Environmental Management, Inc., 45 Knollwood Road, Elmsford, NY 10523, on behalf of Allen and Rebecca Hollenbach, 818 Floret Avenue, Reading, PA 19605, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to a Residential Statewide Health Standard and will remain residential.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

PLAN APPROVALS

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

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

63-00936B: MarkWest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202) for installation of propane and ethane removal systems at Houston Gas Plant in Chartiers Township, **Washington County**.

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

24-166A: National Fuel Gas—Bowen Compressor Station (1.33 miles north of Highland Corners directly east of SR 4009, Highland Township, PA 16365) for construction of a new gas compressor station in Highland Township, **Elk County**. This is a State-only facility.

27-038A: Catalyst Energy, Inc.—Watson Farm (SR 66, Sheffield, PA 16347) for operation of a gas stripping plant consisting of a gas compressor engine, refrigerant compressor, condenser and reboiler at their facility in the Township of Howe, **Forest County**.

42-004F: American Refining Group (77 North Kendall Avenue, Bradford, PA 16701) to replace the refinery flare tip system associated with the Refinery Flare (FL No. 301) at their Bradford facility in Bradford City, **McKean County**. This is a Title V facility, Permit No. 42-0004.

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

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

15-0090C: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) for installation of flexographic printing heads on an existing unit at an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The plan approval is for a non-Title V (State-only) facility. The process will potentially increase VOC and total HAP emissions by 2.1 and 1.4 tons per annum, respectively. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

54-308-025: SAPA Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) for modification of their existing M8 and M9 Melting Furnaces to include oxygen injection and a charging machine. SAPA Extrusion is a major facility subject to Title V permitting requirements in Cressona Borough, **Schuylkill County**. The company currently has a Title V Permit 54-00022. The company will be installing a new cyclone/baghouse with dry sorbent injection to control emissions. The current production limit for the furnaces will remain unchanged along with the fuel usage limitations. The furnaces are subject to 40 CFR Part 63, Subpart RRR, National Emission Standards for HAPs—Secondary Aluminum Production, and shall comply with all applicable requirements of this Subpart. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the furnaces operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

61-210C: Glenn O. Hawbaker, Inc.—Barkeyville Plant (711 East College Avenue, Bellefonte, PA 16823) to change existing emission limits for NO_x and CO and to establish a SO_x limit when combusting coal in the counter flow drum; to permit RAP system additions/modifications associated with the asphalt plant; and to permit three portable nonmetallic mineral processing plants with associated generators at their Barkeyville Plant in Barkeyville Borough, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to change existing emission limits for NO_x and CO and to establish a SO_x limit when combusting coal in the counter flow drum; to permit RAP system additions/modifications associated with the asphalt plant; and to permit three portable nonmetallic mineral processing plants with asso-

ciated generators at Glenn O. Hawbaker, Inc. Barkeyville Plant in Barkeyville Borough, Venango County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only Operating Permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to this plan approval:

1. The annual emissions from baghouse exhaust (S101) for the following pollutants shall not exceed:

- (a) PM 9.24 tpy
- (b) CO 58.24 tpy
- (c) NO_x 56.0 tpy
- (d) VOC 8.96 tpy
- (e) SO_x 41.02 tpy

2. Emission rates from the baghouse exhaust (S101) for the following pollutants:

(a) The CO emissions from the source while using any fuel except coal and biodiesel shall not exceed 0.13 lbs/ton.

(b) The CO emissions from the source while using coal shall not exceed 0.16 lbs/ton.

(c) The CO emissions from the source while using biodiesel shall not exceed 0.208 lbs/ton.

(d) The NO_x emissions (measured as NO₂) from the source while using any fuel except coal or biodiesel shall not exceed 0.055 lbs/ton.

(e) The NO_x emissions (measured as NO₂) from the source while using Biodiesel Fuel shall not exceed 0.131 lbs/ton.

(f) The NO_x emissions (measured as NO₂) from the source while using coal shall not exceed 0.2 lbs/ton.

(g) The VOC emissions (measured as propane) from the source while using any fuel shall not exceed 0.032 lbs/ton.

(h) The SO_x emissions (measured as SO₂) from the source while using coal shall not exceed 0.10 lbs/ton.

(i) The portable analyzer shall be used to determine NO_x and CO emissions once a month when combusting coal. The Department may alter the frequency of conducting portable analyzer tests based on the results.

3. The following conditions apply to the RAP system.

(a) The operation of the RAP system shall not cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10% opacity.

(b) The operation of the RAP system shall not cause to be discharged into the atmosphere from any crusher fugitive emissions which exhibit greater than 15% opacity.

(c) The operation of a portable nonmetallic mineral processing plant shall not at any time result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code §§ 123.1 and 123.2.

4. The following conditions apply to the portable nonmetallic crushing and screening plants which include the Kohlberg FT 4250 Crusher, Nordberg LT 1213 Crusher and the Warrior 1800 Screening:

(a) The operation of nonmetallic mineral processing equipment shall not cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10% opacity.

(b) The operation of a nonmetallic mineral processing plant shall not cause to be discharged into the atmosphere from any crusher fugitive emissions which exhibit greater than 15% opacity.

(c) The crushing and screening plants shall be operated a maximum of 250 hours each on a 12-month rolling total.

5. Diesel-fired Generators used to power the portable plants:

Cummins QSL Diesel Engine 661 CID	400 hP (Kolberg Plant)
C-12 DITA Diesel Engine	425 hP (Nordberg Plant)
CAT 3052 Diesel Engine	99 hP (Warrior Plant)

The following conditions apply to the diesel engines:

(a) The engines shall, at a minimum, comply with a Total Hydrocarbon (THC) emission standard of 1.0 gm/bhp/hr.

(b) The engines shall at a minimum comply with the NOx emission standard of 6.9 gms/hp/hr.

(c) The engines shall at a minimum comply with CO emission standard of 2.0 gms/bhp/hr.

(d) The PM emissions from each engine shall not exceed 0.4 gms/bhp/hr.

(e) Visible emissions from diesel engines stacks shall not exceed the following limitations:

(i) Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour;

(ii) Equal to or greater than 30% at any time.

(f) The operation of a portable nonmetallic mineral processing plant shall not at any time result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code §§ 123.1 and 123.2.

(g) The sulfur content in diesel fuel shall not, at any time exceed 0.3% (by weight).

(h) The diesel engines shall be operated a maximum of 250 hours each on a 12-month rolling total.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at (814) 332-6340.

Any persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown in the preceding paragraph. A 30 day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (No. 61-210C).
- Concise statements regarding the relevancy of the information or objections to the issuance of the Plan Approval. Written comments should be directed to:

John F. Guth
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Northwest Region—Field Operations
230 Chestnut Street
Meadville, PA 16335

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. The persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Cary Cooper, P. E., New Source Review Section, Department of Environmental Protection, Air Quality Program, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact the Department or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

AMS 09139: SunGard Availability Services, Inc. (401 North Broad Street, Philadelphia, PA 19108) for installation and modification of the following sources in the City of Philadelphia, **Philadelphia County**:

(1) Installation of two 2,000 kilowatt diesel emergency generators (Units 8 and 9), each equipped with a Selective Catalytic Reduction (SCR) control device for NOx.

(2) Installation of NOx SCR control devices on six (Units 2—7) of the seven existing emergency at the facility. NOx SCR control devices shall be installed on Units 2 and 3 within 60 days of the initial start-up of Units 8 and 9 or by December 31, 2009, whichever is earlier. NOx SCR control devices shall be installed on Units 4 and 5 within 24 months of Plan Approval issuance date or by December 31, 2010, whichever is earlier. NOx SCR control devices shall be installed on Units 6 and 7 within 36 months of Plan Approval issuance date or by December 31, 2011, whichever is earlier.

The installation and modification will result in the following potential annual emission increase for the facility: (1) 0 tons of NOx. NOx emissions from the facility is limited to less than 25 tons per rolling 12-month; (2) 5.7 tons of SOx; (3) 8.3 tons of total PM; and (4) 25 tons of CO. The Plan Approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 09069: Thermal Drying System (7800 Penrose Ferry Road, Philadelphia, PA 19153) for installation of the following processes in the City of Philadelphia, **Philadelphia County**:

a) Thermal Drying System consisting of two Biosolids Drying Trains (ES-1 and ES-2). Each Biosolids Drying Train contains a Rotary Drum Dryer (firing natural gas, mixture of natural gas and digester gas, or No. 2 fuel oil) with drying air recirculation loop and an air pollution control system consisting of a venturi scrubber, followed by a regenerative thermal oxidizer (burning natural gas or No. 2 fuel oil).

b) Odor Control Scrubber (ES-3) that primarily services the existing Dewatering Facilities, as well as three fugitive dust baghouses utilized on dried material handling equipment from the Thermal Drying Facilities.

The facility will be subject to NO_x synthetic minor limits of 25 tons per rolling 12-months. The facility will be limited to 25 tons of VOCs per rolling 12-months. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

A public hearing will be conducted to address any comments about the previous project. The hearing will take place at 6 p.m. on September 10, 2009, at the following address:

1st Floor Conference Room
Medical Examiner Office
Spelman Building
321 University Avenue
Philadelphia, PA 19104

Copies of all documents and information concerning this plan approval are available for review in the offices of AMS, room 218, 321 University Avenue, Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Karol Bowman (215) 685-7572 at the previous address. All written comments must be received by September 9, 2009. Comments received by facsimile will not be accepted.

OPERATING PERMITS

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

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

09-00027: Fres Co Systems, USA, LLC (3005 State Road, Telford, PA 18969) for operation of Flexographic and Rotogravure presses in West Rockhill Township, **Bucks County**. The permit is being reopened and reissued for cause in accordance with 25 Pa. Code § 127.542(a)(3). The Department of Environmental Protection (Department) has determined that a mistake was made to condition No. 002 and No. 006, Section D, Testing and Recordkeeping for Source 703 and 704 of Title V operating permit 09-00027. Testing of the pressure relief valve is not applicable in accordance with 25 Pa. Code § 129.57. The Department will remove and revise the language from the condition and reissue the Title V operating permit. This change shall affect only parts of the permit for which cause to revise exists.

15-00005: West Chester University of PA (201 Carter Drive, Suite 100, West Chester, PA 19383) for renewal of the Title V Operating Permit in West Chester Borough, **Chester County**. The existing permit was reissued on July 7, 2004. The facility is a university campus that operates boilers and emergency generators. As a result of potential emissions of NO_x and SO_x, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal includes any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64.

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

35-00008: Gentex Corp. (P. O. Box 315, Carbondale, PA 18407) for manufacturer of ophthalmic goods in Fell Township, **Lackawanna County**. This is a renewal of a Title V Operating Permit. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

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

09-00125: Naceville Materials—Plumsteadville (5031 Point Pleasant Pike, Doylestown, PA 18901) for a renewal of the State-only (Natural Minor) Operating Permit in Plumstead Township, **Bucks County**. Naceville Materials operates and maintains a stone crushing plant, from which the main pollutant emitted is PM. No changes have occurred to the stone crushing plant since the permit was originally issued on July 2, 2004. The renewed permit will include monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

35-00053: Metkote Laminated Products, Inc. (1151 Union Street, Taylor, PA 18517-1605) for operation of a vinyl to metal laminating operation in Taylor Borough, **Lackawanna County**. This is a renewal of a State-only Operating Permit.

35-00061: Polarized Meats, Inc. (107 Keystone Industrial Park, P. O. Box 172, Dunmore, PA 18512) for a meat products manufacturing facility in Dunmore Borough, **Lackawanna County**. The facility has potential to emit PM, VOCs, HAPs, NO_x, SO_x and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

52-00005: Springbrook Enterprises, Inc. (504 Well Road, Hawley, PA 18428-6021) for operation of a nonmetallic mineral crushing and screening process located in Blooming Grove Township, **Pike County**. This is a renewal of a State-only Operating Permit.

54-00067: Keystone Potato Products, LLC (P. O. Box 27, 2317, Shermans Mountain Road, Hegins, PA 17938-0027) for a potato products manufacturing facility in Frailey Township Borough, **Schuylkill County**. The facility has potential to emit PM, VOCs, HAPs, NO_x, SO_x and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

54-00066: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) for manufacture of

paste made from purchased aluminum in Rush Township, **Schuylkill County**. This is a renewal of the State-only Natural Minor operating permit.

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

03-00238: Curran-Shaffer Funeral Home and Crematory, Inc. (100 Owens View Avenue, Apollo, PA 15613-1614) for renewal of the 2005 permit to operate a crematory at their facility in Kiskiminetas Township, **Armstrong County**.

04-00718: Ennstone, Inc.—d/b/a Three Rivers Aggregate (P. O. Box 6090, Falmouth, VA 22403) for sand and gravel mining and processing activities at the Palmer Plant in Darlington Township, **Beaver County**.

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

20-00037: US Bronze Foundry & Machine, Inc. (18649 Brake Shoe Road, P. O. Box 458, Meadville, PA 16335) for re-issuance of a Natural Minor Operating Permit to operate a manufacturing process creating bearings, bushings and plates using bronze and other nonferrous metals in Woodcock Township, **Crawford County**. The primary emission sources include a mold core and drying oven, ten bronze induction furnaces, degreasing operations, a surface coating operation, a sand handling system and miscellaneous natural gas use.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and

telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

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

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Depart-

ment considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 mg/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

56990101 and NPDES No. PA0235008. Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface-auger mine in Paint Township, **Somerset County**, affecting 54.3 acres. Receiving streams: UNT to/and Kauffman Run classified for the following use: CWF. The first downstream potable water supply intake from the point

of discharge is Cambria Somerset Authority Stonycreek SWI. Application received June 26, 2009.

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

33813020 and NPDES Permit No. PA0603465. Leonard W. Yenzi (P. O. Box 62, Anita, PA 15711). Transfer and revision of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 298.2 acres. Receiving streams: UNTs to Trout Run and UNTs to Front Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from John R. Yenzi, Jr. and Revision to add 28.2 acres to the permit. Application received July 16, 2009.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

50090801. Barbara Beers, 1360 Newport Road, Duncannon, PA 17020, commencement, operation and restoration of a small Noncoal (industrial minerals) operation in Miller Township, **Perry County**, affecting 1.5 acres.

Receiving stream: UNT to Losh Run. Application received July 13, 2009.

28092802. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Hamilton Township, **Franklin County**, affecting 5.6 acres, receiving stream: UNT to Conococheague Creek. Permit received July 13, 2009.

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

20900302. Frank Tucci (25000 PA Route 99, Cambridge Springs, PA 16403). Revision to an existing sand and gravel operation in Rockdale Township, **Crawford**

County affecting 24.0 acres. Receiving streams: Kelly Run, classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Cambridge Springs Borough. Revision to mine below the water table. Application received July 14, 2009.

1931-20070302-E-1. W. L. Dunn Construction Company (180 North Franklin Street, Cochran, PA 16314). Application for a stream encroachment to construct and maintain a haul road within 100 feet of UNT 2 to Little Sugar Creek in East Mead Township, **Crawford County**. Receiving streams: Little Sugar Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Playland Campgrounds. Application received July 2, 2009

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

40870810. Barry K. Reese, (P. O. Box 157, Dallas, PA 18612), Stages I and II bond release from a quarry operation in Franklin Township, **Luzerne County** affecting 1.0 acre on property owned by John and Judy Curtis. Application received July 27, 2009.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-939. SEPTA, 1234 Market Street, Philadelphia, PA 19107, New Britain Township, **Bucks County**, United States Corps of Engineers, Philadelphia District.

To extend the existing 14-foot wide by 14-foot rise railroad bridge, across the UNT to Neshaminy Creek (WWF/MP) by 16 feet on the upstream side, impacting approximately 0.04 acre of wetlands associated with the proposed siding of SEPTA's Doylestown R5 line.

The site is located 800 feet east of the intersection of County Line Road and Walnut Street (Doylestown and Telford, PA USGS Quadrangle N: 4.75 inches; W: 16.5 inches).

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

E45-526. Shawnee Holding, Inc., Attn: Steve Taggart, P. O. Box 67, 1 River Road, Shawnee, PA 18356, in 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 approximately 250 feet and an underclearance of 26 feet across the Delaware River (WWF, MF). The project is located 0.5 mile southeast of the intersection of Shawnee on Delaware Ldg. and SR 2028 (Bushkill, PA Quadrangle Latitude: 41° 00' 20"; Longitude: 75° 07' 00").

E39-482. K&M Associates, Inc., 496 Lone Lane, Allentown, PA 18104, in Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a roadway crossing of a tributary to Cedar Creek (HQ-CWF) consisting of two 5.5-foot high by 8-foot wide concrete box culverts and to fill a de minimis area of PEM wetland equal to 0.03 acre. The project also includes the installation of three outfall structures and an infiltration basin berm in the floodway of a tributary to Cedar Creek. These activities are associated with the Rabenold Farms residential subdivision. The project is located on the north side of Schantz Road at the intersection of Schantz (T-527) and Crocks Roads (T-498) (Allentown West, PA Quadrangle Latitude: 40° 34' 50"; Longitude: 75° 34' 13").

E54-341. Michele Mattered, 601 Walnut Street, Port Carbon, PA 17965, in West Brunswick Township, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream enclosure of a tributary to Mahannon Creek (CWF) consisting of a 72-foot long 60-inch diameter pipe. The project is located at 1038 Centre Turnpike in the municipality of Orwigsburg (Orwigsburg, PA Quadrangle Latitude: 40° 38' 27.7"; Longitude: 76° 06' 3.9").

E40-700. CAN DO, Inc., One South Church Street, Hazleton, PA 18201, in Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill within 17 separate wetland areas (PEM, PSS, PSO), totaling 0.7 acre of permanent wetland impact, for the purpose of constructing a 550,000 sf industrial building and a 150,000 sf building, along with associated parking and access facilities. The project is located on Lots 103 and 104 within the Humboldt Industrial Park East, approximately 0.73 mile south west of the intersection of SR 924 (Conyngham, PA Quadrangle Latitude: 40° 55' 59"; Longitude: 76° 1' 48").

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

E22-546: Hershey Entertainment, Kent Bachmann, 300 Park Boulevard, Hershey, PA 17033, Derry Township, **Dauphin County**, United States Corps of Engineers, Baltimore District.

To expand an existing 1.2-acre offline pond to 4.1-acres in size (Hershey, PA Quadrangle N: 12.6 inches; W: 2.6 inches, Latitude: 40° 18' 00"; Longitude: 76° 37' 47") for the purpose of improving an existing golf course in Derry Township, Dauphin County.

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

E12-170. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110. State Game Lands No. 14 Bridge Across East Hicks Run, Shippen Township, **Cameron County**, United States Corps of Engineers, Baltimore District (West Creek, PA Quadrangle Latitude: 41° 26' 20.2"; Longitude: 78° 19' 46.6", Latitude: 41° 07' 5.48"; Longitude: 78° 45' 12.58").

The Game Commission proposes to construct, operate and maintain steel I-beam and timber deck bridge across East Branch, Hick Run (HQ-CWF) for public access to State Game Lands No. 14. The bridge across East Branch, Hicks Run shall be constructed as a single span structure having a minimum span of 30-feet, underclearance of 7-feet, and width of 14-feet. The bridge project is located along the western right-of-way of East Branch, Hick Run Road approximately 1.3-miles south of east of West Branch, Hicks Run Road and East Branch, Hicks Run Road intersection. This permit application was submitted under section 105.13(e) "Small Projects." A permit issued for this application will also include section 401(a) Water Quality Certification.

E57-116. Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754. SR 4007, Section 002 Bridge Replacement, in Elkland Township, **Sullivan County**, United States Corps of Engineers, Baltimore District (Williamsport, PA Quadrangle N: 41° 33' 22"; W: 76° 37' 20").

Department of Transportation, Engineering District 3-0 proposes to completely replace the SR 4007 Section 002 bridge. The existing structure is currently a single span, concrete T-beam bridge, with a skew of 45°. The existing structure has a normal span of 16.5 ft with an underclearance of 8 ft. It will be replaced with a single span prestressed concrete box culvert with a 50° skew. The proposed structure will have a normal span of 16 ft and an underclearance of 8 ft. The box culvert will be depressed one foot with baffles in accordance with the BD-632M. The bridge replacement will permanently impact 0.04 acre of jurisdictional wetlands. Kings Creek is classified as a HQ-CWF by 25 Pa. Code Chapter 93 Water Quality Standards, and is classified as a Wild Trout Stream by the Fish and Boat Commission.

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

E02-1616. Borough of Bridgeville, 425 Bower Hill Road, Bridgeville, PA 15017. To construct stream rehabilitation in the channel of McLaughlin Run in the Borough of Bridgeville, **Allegheny County**, United States Corps of Engineers, Pittsburgh District (Bridgeville, PA Quadrangle N: 19.0 inches; W: 13.8 inches, Latitude: 40° 20' 43"; Longitude: 80° 05' 19"). The applicant proposes to construct and maintain a stream rehabilitation project in and along the channel of McLaughlin Run (WWF) for a distance of approximately 480.0 linear feet for the purpose of improving the channel characteristics and habitat of said stream. The project will consist of constructing Rock Vanes and J-Hook Rock Vanes on the left bank of said stream and cutting and placing fill on both banks of said stream. The project is located on the east side of McLaughlin Run Road, approximately 1,000.0 feet east from the intersection of McLaughlin Run Road and Coolidge Street and will impact approximately 480.0 linear feet of stream channel.

Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E3514-002. City of Carbondale, 1 North Main Street, Carbondale, PA 18407. The project proposes restoration of approximately 280 feet of the Racket Brook (CWF) stream channel located behind the Ben-Mar restaurant. The restoration will include repair to the existing four rock structures within the channel, channel grading and realignment, and slope stabilization and seeding. The work will begin at the existing upstream rock structure and end at the existing engineered channel (Carbondale, PA Quadrangle Latitude: 41° 34' 34"; Longitude: 75° 30' 00"), City of Carbondale, **Lackawanna County**.

ENVIRONMENTAL ASSESSMENTS

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

EA1009-014. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Muddy Creek Township, **Butler County**, United States Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes the backfilling of a 3,300 linear foot dangerous highwall. The project will include the elimination of a 1.59 acre nonjurisdictional open waterbody and a 0.14 acre PEM wetland that have developed within the open surface mine pit (Prospect Quadrangle N: 9.5 inches; W: 16.5 inches).

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D13-108EA. Towamensing Trails Property Owners Association, Towamensing Trails Property Owners Association c/o Patrick Anderson, P. O. Box 100, Albrightsville, PA 18210. To modify the Towamensing Trails Dam across a tributary to Wolf Run (HQ-CWF), permanently impacting 0.03 acre of wetlands and 109 feet of stream channel, for the purpose of installing a blanket drain on the

downstream face of the dam, raising the top of dam 1 foot in elevation to store and safely discharge the required spillway design flood, and rehabilitate the existing spillway (Blakeslee, PA Quadrangle N: 0.1 inch; W: 13.8

inches) in Penn Forest Township, **Carbon County**. This project was originally advertised as a dam permit application (D13-108A), however, rehabilitation qualifies for approval by means of Letter of Authorization.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAG2003604068-R	Dean M. Stoltzfus Stoltzfus Feed & Supply P. O. Box 427 Gap, PA 17527	Lancaster County Sadsbury Township	UNT Williams Run WWF	Y

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

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

NPDES Permit No. PA0061051, Sewage, **Farda Realty Associates, LP**, P. O. Box 130, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action: Issuance of NPDES Permit.

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

NPDES Permit No. PA0101320, Sewage, **Keith DeRose**, 21321 Campbell Road, Titusville, PA 16354. This proposed facility is located in Oil Creek Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a New NPDES permit to discharge treated sewage from an existing mobile home park.

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

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

WQM Permit No. WQG02360902, Sewage, **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of sewer extension and pump station to serve Lime Quarry Homes.

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

WQM Permit No. 1409401, Sewerage, SIC 4952, **Potter Township**, 124 Short Road, Spring Mills, PA 16875. This proposed facility will be located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued approving upgrades to the existing Country Club Park STP and the connection of the Meadows Psychiatric Facility to the STP by means of a new force main.

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

WQM Permit No. 2599409, Sewerage, **McKean Township Sewer Authority**, P. O. Box 88, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a permit to construct four sludge reed beds at their existing WWTP.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909004	James L. Herman Enterprises 2371 Old Post Road Coplay, PA 18037	Bucks	Springfield Township	UNT Cooks Creek EV
PAI01 1503114-R	Telvil Corporation 527 Main Street Harleysville, PA 19438	Chester	North Coventry Township	UNT Schuylkill River HQ-TSF
PAI01 1509006	Hopewell Village, LP 722 Yorklyn Road Suite 350 Hockessin, DE 19707	Chester	Elverson Borough	East Branch Conestoga River UNT South Branch French Creek WWF-EV
PAI01 1509010	Michael Hires 1289 Yellow Springs Road Malvern, PA 19355	Chester	Tredyffrin Township	Valley Creek EV
PAI01 1509011	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Chester	Tredyffrin Township	Valley Creek EV
PAI01 1509013	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509017	Chester County Parks and Recreation Department 601 Westtown Road Suite 160 P. O. Box 2747 West Chester, PA 19380-0990	Chester	Wallace, Warwick, West Brandywine, West Caln and West Nottingham Townships	French Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909009	Lehigh Carbon Community College 4525 Education Park Drive Schnecksville, PA 18078	Lehigh	North Whitehall Township	Tributary to Jordan Creek HQ-CWF, MF Jordan Creek TSF, MF Little Lehigh Creek HQ-CWF Lehigh River TSF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northampton Township Bucks County	PAG200 0909066	Northampton, Bucks County, Municipal Authority 111 Township Road Richboro, PA 18954-1550	Springfield Lake WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG200 0906136-1	Summit Square Associates, LP 43 Summit Square Suite 200 Langhorne, PA 19047	UNT Lake Luxembourg CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Newtown Township Bucks County	PAG200 0909063	LMC Properties, Inc. 100 Campus Drive Newtown, PA 18940	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG200 0909069	Falls Township 188 Lincoln Highway Suite 100 Fairless Hills, PA 19030	Delaware River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG200 0909043	Gavin J. Lingo 1170 Timber Lane Chalfont, PA 18914	UNT Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG200 0909067	Warminster Municipal Authority P. O. Box 2279 415 Gibson Avenue Warminster, PA 18974	Blair Mill Run Tributary TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG200 1509021	Longwood Gardens P. O. Box 501 Kennett Square, PA 19348	East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG200 1509022	Delaware County Christian School 462 Malin Road Newtown Square, PA 19073	UNT Darby Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG200 1509019	Dash Enterprises, LP 706 Autopark Boulevard West Chester, PA 19382	UNT Goose Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG200 1509018	Drury Group, Inc. P. O. Box 3125 West Chester, PA 19380	UNT East Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAG200 2309014	Marple Newtown School District 40 Media Line Road Newtown Square, PA 19073	Crum Creek Hunter Run CWF; Crum Creek Trout Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG200 2303032-R	S&S Development Company 1155 Lancaster Avenue Berwyn, PA 19312	Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG200 2308039	Joel Templin 1101 Saint Anne's Way West Chester, PA 19382	UNT Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth and Whitpain Townships Montgomery County	PAG200 4607100-1	Turnpike Commission 700 South Eisenhower Boulevard P. O. Box 676 Harrisburg, PA 17106	Plymouth Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4609039	Madison Apartment Group 3000 Centre Square West Philadelphia, PA 19102	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG200 4608053	Jarrettown Village Associates, LP 2836 Mt. Carmel Avenue Glenside, PA 19038	Rapp Run Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Worcester Township Montgomery County	PAG200 4609012	Montgomery Presbyterian Church 3260 Morris Road Lansdale, PA 19446	Towamencin Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Borough of Catasauqua Lehigh County	PAG2003908007	Catasauqua Area School District Attn: Robert Spengler 201 North 14th Street Catasauqua, PA 18032	Catasauqua Creek CWF	Lehigh County Conservation District (610) 391-9583
Tioga County Charleston Township	PAG2005909006	Gary Butters 54 Railroad Street Mansfield, PA 16933	UNT North Elk Run CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Jefferson County Punxsutawney Borough	PAG2003309001	Shady Side Estates, LLC Kevin Gilligan 255 South Gilpin Street Punxsutawney, PA 15767	Mahoning Creek WWF	Jefferson County Conservation District (814) 849-7463
Mercer County Grove City Borough	PAG2004309003	Grove City Area School District Dr. Robert Post 428 East Main Street Grove City, PA 16127	UNT Wolf Creek Wolf Creek CWF	Mercer County Conservation District (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wilkes-Barre City Luzerne County	PAR202238	Inter Metro Industries 651 North Washington Street Wilkes-Barre, PA 18705	Mill Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Plains Township Luzerne County	PAR202239	Inter Metro Industries 651 North Washington Street Wilkes-Barre, PA 18705	Mill Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Dauphin County Berrysburg Borough	PAR213558	Marstellar Concrete, Inc. Berrysburg Batch Plant P. O. Box 210 Port Royal, PA 17082	UNT Wiconisco Creek WWF 6C	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR803673	Norfolk Southern Railroad Company— Lancaster Yard 110 Franklin Road, S.E. Box 13 Roanoke, VA 24042-0013	UNT Little Conestoga Creek WWF 7J	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Logan Township	PAR803614	Norfolk Southern Railroad Company— Locomotive Shop 110 Franklin Road, S.E. Box 13 Roanoke, VA 24042-0013	Little Juniata River TSF 11-A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:
Municipality &
County*Blair County
Logan TownshipPermit No.
PAR803615*Applicant Name &
Address*
Norfolk Southern
Railroad Company—
Altoona Rose Yard
110 Franklin Road, S.E.
Box 13
Roanoke, VA 24042-0013*Receiving
Water/Use*
Little Juniata River
TSF
11-A*Contact Office &
Phone No.*
DEP—SCRO—WQ
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707West Perry
Township
Snyder CountyPermit No.
PA0113913*Applicant Name &
Address*
Irvin's Country Tinware
115 Cedar Lane
Mt. Pleasant Mills, PA
17853*Receiving
Water/Use*
UNT to North Branch
Mahatango Creek
CWF*Contact Office &
Phone No.*
Water Management
Program Manager
208 West Third Street
Williamsport, PA 17701
(570) 327-3664*General Permit Type—PAG-5**Facility Location:
Municipality &
County*City of Washington
Washington CountyPermit No.
PAG056237*Applicant Name &
Address*
Zappi Oil and Gas
Company, Inc.
44 Bridge Street
Washington, PA 15301*Receiving
Water/Use*
Catfish Creek*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8**Facility Location:
Municipality &
County*South Woodbury
Township
Bedford CountyPermit No.
PAG083604*Applicant Name &
Address*
South Woodbury
Township
1401 Woodbury Pike
Loysburg, PA 16659*Site Name &
Location*
South Woodbury
WWTF
1401 Woodbury Pike
Loysburg, PA 16659*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Salem Township
Indiana County*Applicant Name &
Address*
Synagro
3239 Route 981
New Alexandria, PA 15670*Site Name*
J. Steele Farm*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000Loyalhanna Township
Westmoreland County*Applicant Name &
Address*
Synagro
3239 Route 981
New Alexandria, PA 15670*Site Name*
Cleary Farm*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000*General Permit Type—PAG-12**Facility Location:
Municipality &
County*Lancaster County
Rapho TownshipPermit No.
PAG123666
Amendment No. 1*Applicant Name &
Address*
Harold Weaver
Greiner & Weaver
Poultry and Heifer Farm
15 Alice Avenue
Lititz, PA 17543*Receiving
Water/Use*
Brubaker Run
TSF
7G*Contact Office &
Phone No.*
DEP—SCRO
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4802

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3480006, Operations Permit, Public Water Supply.

Applicant **Green Acres Park, LLC**
125 South Delaware Drive
Easton, PA 18042

Municipality Williams Township

County **Northampton**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued July 21, 2009

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

Permit No. MA (6760-W)—Construction, Public Water Supply.

Applicant **Williamsport Municipal Water Authority**

Borough Duboistown Borough

County **Lycoming**

Responsible Official **LaRue S. VanZile, P. E., P. L.S.**
Director of Engineering
Williamsport Municipal Water Authority
253 West Fourth Street
Williamsport, PA 17701

Type of Facility Public Water Supply—Construction

Consulting Engineer N/A

Permit Issued Date July 22, 2009

Description of Action Construction of a new underground booster pump station on Arlington Street in Duboistown Borough to replace the existing old, deteriorated pump station at the same location.

Permit No. MA 4189510—Operation, Public Water Supply.

Applicant **Williamsport Municipal Water Authority**

Township Armstrong

County **Lycoming**

Responsible Official **LaRue S. VanZile, P. E., P.L.S.**
Director of Engineering
Williamsport Municipal Water Authority
253 West Fourth Street
Williamsport, PA 17701

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date July 22, 2009

Description of Action Operation of the sandblasted and painted finished water storage tank, East T-2, at the water filtration plant.

Permit No. 1407501—Operation, Public Water Supply.

Applicant **College Township Water Authority**

Township or Borough College Township

County **Centre**

Responsible Official Martin McGann, Chairperson
College Township Water Authority
1481 East College Avenue
State College, PA 16801

Type of Facility Public Water Supply—Operation

Consulting Engineer Douglas E. Berg, P. E.
Entech Engineering, Inc.
4 South Fourth Street
P. O. Box 32
Reading, PA 19603

Permit Issued Date July 23, 2009

Description of Action Operation of an interconnection with Bellefonte Borough.

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

Permit No. 4566559—Denial, Public Water Supply.

Applicant **Cooper Springs Trout Hatchery**
1146 Shaffer Run Road
Somerset, PA 15501

Township Jefferson Township

County **Somerset**

Type of Facility Well

Consulting Engineer Jeff Evers
4000 Hempfield Park Boulevard
Suite 914
Greensburg, PA 15601

Permit Denied July 27, 2009

Operations Permit issued to **Latrobe Municipal Authority**, 104 Guerrier Road, Latrobe, PA 15650, (PWSID No. 5650060) Derry Township, **Westmoreland County** on July 17, 2009, for the operation of facilities approved under Construction Permit No. 6507503A1.

Operations Permit issued to **Ligonier Township Municipal Authority**, 18 Old Lincoln Highway West, Ligonier, PA 15658, (PWSID No. 5650080) Ligonier Township, **Westmoreland County** on July 25, 2009, for the operation of facilities approved under Construction Permit No. 6501502.

Permit No. 6509504MA, Minor Amendment, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Road
New Stanton, PA 15672

Township Allegheny

County **Westmoreland**

Type of Facility Vandergrift No. 1 water storage tank

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

Permit to Construct Issued July 23, 2009

Permit No. 5609502MA, Minor Amendment, Public Water Supply.

Applicant **Indian Lake Borough**
1301 Causeway Drive
Central City, PA 15926

Borough Indian Lake

County **Somerset**

Type of Facility Peninsula tank painting

Consulting Engineer GAI Consultants
385 East Waterfront Drive
Homestead, PA 15120

Permit to Construct Issued July 22, 2009

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

Permit No. 1092502-T1-MA2, Public Water Supply.

Applicant **Adams Township Municipal Water Authority**

Township Adams

County **Butler County**

Type of Facility Public Water Supply

Consulting Engineer Rick Barnett, P.E.

Permit to Construct Issued July 22, 2009

Permit No. 6109501, Public Water Supply.

Applicant **Borough of Pleasantville**

Borough Pleasantville

County **Venango County**

Type of Facility Public Water Supply

Consulting Engineer Arthur Kuholski, P. E.

Permit to Construct Issued July 23, 2009

Transfer and Consolidation of Operations Permits issued to **Dennis Riley, d/b/a Penn Lake Village**, PWSID No. 6200013, Sadsbury Township, **Crawford County**, July 22, 2009, for water supply facilities including Well No. 1; chlorine contact tanks and a sequestration facility, as permitted by construction permits 2088505, issued April 26, 1994, and 2088505-MA1, issued May 21, 2007. All historic information, including applications and reviews are now incorporated into Permit No. 2088505-MA1-T1.

Operations Permits issued to **Southwest Warren County Municipal Authority**, PWSID No. 6620032, Deerfield Township, **Warren County**, July 28, 2009, for the operation of the 24-inch diameter transmission line that will be used to meet the necessary 1-log and 3-log inactivation of Giardia Lamblia cysts., as permitted by construction Permit 6279501-MA1, issued January 23, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Clarion Borough	1400 East Main Street Clarion, PA 16258	Clarion

Plan Description: The approved plan provides information on the identification of existing and future sewage needs within Clarion Borough to enable Pennsylvania American Water Company to prepare a comprehensive Act 537 Plan. This is in response to the October 30, 2008, Consent Order and Agreement with the Department of Environmental Protection.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Clarion Township	17382 Route 322 P. O. Box 270 Strattanville, PA 16258	Clarion

Plan Description: The approved plan provides information on the identification of existing and future sewage needs within Clarion Township to enable Pennsylvania

American Water Company to prepare a comprehensive Act 537 Plan. This is in response to the October 30, 2008, Consent Order and Agreement with the Department of Environmental Protection.

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.

2181 Bennett Road Property, City of Philadelphia, **Philadelphia County**. Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Harold Janow, 2181 Bennett Road, Inc., 203 Albon Road, Hewlett, NY 11557 has submitted a Cleanup Plan and Remedial Investigation 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 Site-Specific Standard.

Montgomery County Community College, Pottstown Borough, **Montgomery County**. Grey Firely, Malcom Pirnie, Inc., 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Michael Billetta, Montgomery County Community College, 101 College Drive, Pottstown, PA 19464, Dean Foster, Montgomery County Community College, 101 College Drive, Pottstown, PA 19464 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with lead and inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Stratz Property, 3225 West Highland Street, South Whitehall Township, **Lehigh County**. Iain Barton and Jeremy Fox have submitted a Final Report (on behalf of their client, Irene Statz, 3225 West Highland Street, Allentown, PA 18104), 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 during delivery. The report was submitted to document attainment of the Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

Former Eureka Packaging Plant, City of Williamsport, **Lycoming County**. Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 on behalf of Henry Perciballi, Gunga Enterprises, LLC, 429 Market Street, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site groundwater contaminated with tetrachloroethylene and Trichloroethylene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Bethlehem Commerce Center—Lots 6 and 7, City of Bethlehem, **Northampton County**. Kenneth G. Robins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Cleanup Plan (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soils found to have been impacted by lead contamination as a result of historical operations at the former Bethlehem Steel Plant. The Cleanup Plan met the requirements of the Site-Specific Standard for soils and was approved by Central Office on July 20, 2008.

Myck Property, 115 Windwards Lane, Delaware Township, **Pike County**. David A. Everitt, III and Mark W. Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their 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 report documented attainment of the Statewide Health Standard for soils and was approved on July 23, 2009.

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

Corning Frequency Control Plant 1, Mount Holly Springs Borough, **Cumberland County**. Weston Solutions, Inc., 1400 Weston Way, P.O. Box 2653, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-03-079, Corning, NY 14831, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of groundwater contaminated with solvents. The Department of Environmental Protection approved

the Remedial Investigation and Risk Assessment Report on July 21, 2009. Groundwater will be remediated to the Site-Specific Standard.

Yuasa Battery, Inc., Laureldale Borough, **Berks County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Yuasa Battery, Inc., 2901 Montrose Avenue, Laureldale, PA 19605, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 6 fuel oil. The combined report demonstrated attainment of the Site-Specific Standard, and was approved by the Department of Environmental Protection on July 24, 2009.

REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

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

General Permit Registration No. WMGM020SE004. SPC Corporation, 2600 Penrose Avenue, Philadelphia PA 19145-5902, City of Philadelphia, **Philadelphia County**. Registration to operate under General Permit No. WMGM020SE004 for the processing and beneficial use of ferrous/nonferrous metal coated with ash residue at the existing SPC Corporation site located at 2600 Penrose Avenue in the City of Philadelphia. The registration was considered withdrawn by the Southeast Regional Office on July 20, 2009.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

General Permit Registration No. WMGR038SE007. SPC Corporation, 2600 Penrose Avenue, Philadelphia, PA 19145-5902, City of Philadelphia, **Philadelphia County**. Registration to operate under General Permit No. WMGR038SE007 for the processing and beneficial use of waste tires at the existing SPC Corporation site located at 2600 Penrose Avenue in the City of Philadelphia. The registration was considered withdrawn by the Southeast Regional Office on July 20, 2009.

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.

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

66-329-001GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on July 1,

2009, to install and operate a Diesel I/C engine at the P&G Gas Well Pad site in Washington Township, **Wyoming County**.

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

GP1-67-03072: Coyne Textile Services (140 Cortland Avenue, Syracuse, NY 13221) on July 21, 2009, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in West Manchester Township, **York County**. This is a renewal of the GP1 permit.

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

GP5-26-00544: Keyrock Energy, LLC (417 Oxford Court, Kingsport, TN 37663-4214) on July 21, 2009, to operate a natural gas compressor station consisting of a single compressor at the Connellsville Facility located in Dunbar Township, **Fayette County**.

GP-32-00319B: Keyrock Energy, LLC (417 Oxford Court, Kingsport, TN 37663-4214) on July 27, 2009, to operate a natural gas compressor station consisting of one Waukesha F18GL compressor engine and one Natco 5GR-100-40KR dehydrator at the Clawson Compressor Station in Blacklick Township, **Indiana County**.

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

GP-24-123A: Veolia ES Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846) on July 21, 2009, to operate a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) at their facility in Fox Township, **Elk County**.

GP-24-123B: Veolia ES Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846) July 21, 2009, to operate nonroad engines (BAQ-GPA/GP-11) at their facility in Fox Township, **Elk County**.

GP-61-216A: Glenn O. Hawbaker, Inc.—Nectarine Mine (1001 Georgetown Road, Harrisville, PA 16038) on July 23, 2009, to operate a portable limestone crushing unit (BAQ-GPA/GP-3) at their facility in Irwin Township, **Venango County**.

GP-61-216B: Glenn O. Hawbaker, Inc.—Nectarine Mine (1001 Georgetown Road, Harrisville, PA 16038) on July 23, 2009, to operate a portable nonmetallic mineral processing plant (BAQ-GPA/GP-11) at their facility in Irwin Township, **Venango County**.

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

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

28-05011B: Waste Management Disposal Services of PA, Inc. (9446 Letzburg Road, Greencastle, PA 17225-9317) on July 22, 2009, to expand the existing landfill and the landfill gas collection system at their existing Mountain View Reclamation facility in Antrim Township, **Franklin County**.

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

26-00586A: Highland Coaters, LLC (2241 Industrial Drive, Connellsville, PA 15425) on July 21, 2009, to install a paint booth, which includes two HVLP paint guns and a solvent still, at their facility in Bullskin Township, **Fayette County**.

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

20-301A: Universal Well Services, Inc. (13549 South Mosiertown Road, Meadville, PA 16335) on July 21, 2009, to install a spray paint booth at their Meadville Fabrication Shop in the City of Meadville, **Crawford County**.

20-0250: GE Transportation-Erie (2901 East Lake Road, Erie, PA 16531) on July 24, 2009, to modify plan approval 25-025M to modify their facility's construction schedule for the installation date of three new engine test cells in Building 63 and the modification date of three engine test cells in Building 4E in **Erie County**.

62-176A: Allegheny Pellet Corp. (1055 Matthews Run Road, Youngsville, PA 16371) on July 17, 2009, to install a 22 mmBtu/hr wood-fired pellet drying operation at their facility in Brokenstraw 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.

09-0203: AE Polysilicon Corp. (150 Roebling Road, Fairless Hills, PA 19030) on July 24, 2009, for the minor modification of the Plan Approval No. 09-0203 to remove stack testing conditions for overall removal of hydrogen chloride gases in the Process Scrubber System (Source ID No. C100), addition of language limiting the level of scrubber solution in the separator tank associated with the Process Scrubber System with conditions for monitoring and recording the liquid level in the tank, and the change of allowable pH values from 13 to 13.4 to assure the concentration of sodium hydroxide in the scrubber solution is greater than 1% by weight. The facility is currently under construction and is in Falls Township, **Bucks County**.

09-0003B: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) on July 24, 2009, for the installation of a flexographic printing press at the Superpac facility located in Upper Southampton Township, **Bucks County**. The facility is a manufacturing-commercial printing processor, which operates other flexographic printing presses, numerous space heaters and various miscellaneous sources associated with printing and manufacturing. Superpac is a Title V Facility, currently operating under TVOP-09-00003. The new source is an 8-station, 41-inch web width, central-impression flexographic printing press manufactured by Paper Converting Machine Company. The source is designated as Source ID 132 Flexo Printing Press CI-16. The plan approval will include monitoring, testing,

recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

67-05133: Separation Technologies, Inc. (101 Hampton Avenue, Needham, MA 02494-2628) on July 21, 2009, to operate a fly ash processing facility at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

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

15-00132: Cephalon, Inc. (145 Brandywine Parkway, West Chester, PA 19380) on July 23, 2009, for a non-Title V, State-only, Synthetic Minor Operating Permit in West Goshen Township, **Chester County**. Cephalon, Inc. operates a pharmaceutical research and development facility where a number of boilers and electric generators operated and have the potential to exceed major source thresholds of NOx. The facility has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 25 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

40-00025: Sunoco Partners Marketing & Terminals LP—Kingston Terminals (525 Fritztown Road, Sinking Spring, PA 19608) on July 21, 2009, to operate a bulk petroleum storage and distribution terminal in Edwardsville Borough, **Luzerne County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-only Synthetic Minor operating permit.

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

01-05021: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307-0807) on July 14, 2009, to operate their fruit processing facility at their Gardners Plant in Tyrone Township, **Adams County**. This is a renewal of the State-only operating permit.

01-05022: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307-0807) on July 14, 2009, to operate their Orrtanna fruit processing facility in Hamiltonban Township, **Adams County**. This is a renewal of the State-only operating permit.

06-03025: Reading Plating & Polishing Works, Inc. (1833 Cotton Street, Reading, PA 19606-1712) on July 22, 2009, for operation of their existing decorative chrome

plating facility in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

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

25-00970: Wire Weld, Inc. (12069 East Main Road, North East, PA 16428-3641) on July 21, 2009, for a Natural Minor Permit to operate a metal coating and allied services in North East Township and **Erie County**. The significant sources included: 1) Fluidized bed sand stripper with afterburner and cyclone separator; 2) Burn off oven; and 3) Miscellaneous natural gas usage. The facility is natural minor because the emissions are less than the Title V threshold limits.

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

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

09-00004: Oliver-Tolas Health Care Packaging (905 Pennsylvania Boulevard, Feasterville, PA 19053) on July 22, 2009, to amend the operating permit in accordance with 25 Pa. Code § 127.450(a)(2) to change the name and phone number of the responsible official as well as the name change of the facility in Lower Southampton Township, **Bucks County**. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

67-05098: Kinsley Construction, Inc. (P. O. Box 2886, York, PA 17405-2886) on July 16, 2009, to operate their limestone crushing plant in West Manchester Township, **York County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

32051301 and NPDES Permit No. 0235857, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to operate the Barrett Deep Mine in Buffington Township, **Indiana County** a new underground mine and for discharge of treated mine drainage. Surface Acres Proposed 24.4, Underground Acres Proposed 706.8, Subsidence Control Plan Acres Proposed 706.8. Receiving stream: Little Yellow Creek, classified for the following uses: HQ and CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority and Yellow Creek. Application received July 6, 2005. Permit issued July 24, 2009.

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

32830113 and NPDES No. PA0605778. Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Buffington Township, **Indiana County**, affecting 410.5 acres. Receiving streams: UNT to/and Mardis Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 6, 2009. Permit issued July 21, 2009.

11793025 and NPDES No. PA0089524. E. P. Bender Coal Company, South Main Street, P. O. Box 565-566, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface mine in Dean Township, **Cambria County**, affecting 400.0 acres. Receiving streams: UNT to Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 24, 2009. Permit issued July 21, 2009.

32980112 and NPDES No. PA0234893. Alverda Enterprises, Inc., P. O. Box 245, Alverda, PA 15710, permit renewal for reclamation only of a bituminous surface mine in Pine and Green Townships, **Indiana County**, affecting 54.7 acres. Receiving stream: UNTs to Yellow Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority Yellow Creek SWI. Application received May 1, 2009. Permit issued July 21, 2009.

56070111 and PA0262510. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530 commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 115.0 acres. Receiving streams: UNTs to Swamp Creek and UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 6, 2007. Permit issued July 23, 2009.

32080103 and NPDES No. PA0262676. KMP Associates, Inc., 3756 SR 981, Saltsburg, PA 15681, commencement, operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 93.0 acres. Receiving stream: UNTs to/and Harpers Run, UNT to Blacklegs Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 31, 2008. Permit issued July 23, 2009.

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

26080103 and NPDES Permit No. PA0251402. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Permit for commencement, operation and reclamation of a bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 94.1 acres. Receiving streams: UNTs to Mill Run and McIntyre Run. Application received May 20, 2008. Permit issued July 21, 2009.

03940113 and NPDES Permit No. PA0201031. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit renewal issued for reclamation only of a bituminous surface/auger mining site located in Washington Township, **Armstrong County**, affecting 68.7 acres. Receiving streams: UNTs to Huling Run. Application received June 17, 2009. Reclamation-only renewal issued July 24, 2009.

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

16940103 and NPDES Permit No. PA0211974. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous strip, tippel refuse disposal and coal ash placement operation in Perry Township, **Clarion County** affecting 764.0 acres. Receiving streams: UNTs to the Allegheny River, UNT to the Clarion River. Application received May 22, 2009. Permit Issued July 15, 2009.

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

17020112 and NPDES No. PA0243337. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Decatur Township, **Clearfield County**, affecting 228.0 acres. Receiving streams: Big Run and Shimel Run and UNT "A," all to Moshannon Creek, classified for the following use: CWF. Application received June 2, 2009. Permit issued July 22, 2009.

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

19000201R and NPDES Permit No. PA0224103. Mid-Valley Coal Sales, Inc., (1380 Tioga Street, Coal Township, PA 17866), renewal of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Conyngham Township, **Columbia County** affecting 343.0 acres, receiving stream: North Branch Shamokin Creek. Application received March 12, 2007. Renewal issued July 22, 2009.

Noncoal Permits Actions

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

56920301 and NPDES Permit No. PA0599417, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Ogle Township, **Somerset County**. Receiving streams: UNT to Shade Creek classified for the following use: EV. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWW. NPDES renewal application received April 29, 2009. Permit issued July 21, 2009.

4274SM11 and NPDES Permit No. PA0212512, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Taylor Township, **Blair County**. Receiving stream: Plum and Halter Creeks classified for the following use: CWF. There are no potable water supply intakes within 10

miles downstream. NPDES renewal application received April 29, 2009. Permit issued July 21, 2009.

28990301 and NPDES No. PA0223981. Fayetteville Contractors Inc., P. O. Box 610, Fayetteville, PA 17222, renewal of NPDES permit in Antrim Township, **Franklin County**, affecting 20.9 acres. Receiving streams: UNTs to/and Muddy Run, classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 30, 2009. Permit issued July 23, 2009.

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

33090805. Edward B. Hoffman (2376 Egypt Road, Brockway, PA 15824) Commencement, operation and restoration of a small noncoal operation in Warsaw Township, **Jefferson County** affecting 5.0 acres. Receiving stream: Bushley Run. Application received June 22, 2009. Permit Issued July 24, 2009.

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

4773SM4 and NPDES No. PA0115461. Hanson Aggregates PA (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit, in Liberty Township, **Tioga County**. Receiving streams: Blacks Creek and Bellman Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 26, 2009. Permit issued July 15, 2009.

08080808. Gregg Trecoske (R. R. 3, Box 1395, Montrose, PA 18801). Commencement, operation and restoration of a bluestone quarry operation in Warren Township, **Bradford County**, affecting 5.0 acres. This permit includes a stream crossing of a UNT to Corbin Creek approximately 5,500 feet North of Warren Center. Receiving stream: Corbin Creek, Tributary to Wappasening Creek. Application received August 8, 2008. Permit issued July 17, 2009.

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

7475SM4C6 and NPDES Permit No. PA0121592. Essroc Cement Corp., (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES permit for discharge of treated mine drainage from a quarry operation in Upper and Lower Nazareth Townships, **Northampton County**, receiving stream: UNT to East Branch Monocacy Creek. Application received May 27, 2009. Correction issued July 23, 2009.

PA0224197. Stoudt's Ferry Preparation Co., Inc., (P. O. Box 279, St. Clair, PA 17970), renewal of NPDES Permit for the Commonwealth of Pennsylvania, Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Schuylkill River Project in Upper Providence Township, **Montgomery County**, receiving stream: Schuylkill River. Application received May 28, 2009. Renewal issued July 23, 2009.

36080301T and NPDES Permit No. PA0224651. Pierson Rheems, LLC, (P. O. Box 430, Woodstown, NJ 08098), transfer of an existing quarry operation in Mt. Joy and West Donegal Townships, **Lancaster County** affecting 102.64 acres, receiving stream: UNT to Donegal Creek. Application received April 10, 2009. Transfer issued July 27, 2009.

7175SM1A1C11 and NPDES Permit No. PA0613827. Penny Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to

increase the discharge rate for NPDES Permit for discharge of treated mine drainage in South Hanover Township, **Dauphin County**, receiving stream: Swatara Creek. Application received February 15, 2008. Correction issued July 27, 2009.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

28094109. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for single dwelling development in Antrim Township, **Franklin County**. Blasting activity permit end date is July 10, 2010. Permit issued July 14, 2009.

28094108. Geological Tech, Inc., P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for commercial development in Southampton Township, **Franklin County**. Blasting activity permit end date is July 10, 2010. Permit issued July 15, 2009.

21094125. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for convenience store development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is July 31, 2010. Permit issued July 15, 2009.

21094126. Warrens Excavating & Drilling, Inc., P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is July 13, 2010. Permit issued July 15, 2009.

28094107. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is July 2, 2010. Permit issued July 15, 2009.

21094128. J. Roys, Inc., P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for commercial development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is July 15, 2010. Permit issued July 17, 2009.

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

08094005. Meshoppen Blasting, Inc. (P. O. Box 127, Meshoppen, PA 18630), blasting for the Palmer Site—East Resources located in Canton Township, **Bradford County**. Permit issued July 21, 2009. Permit expires August 20, 2009.

08094006. John Brainard (3978 SR 2073, Kingsley, PA 18826), blasting for the Lampman Road widening located in West Burlington Township, **Bradford County**. Permit issued July 21, 2009. Permit expires July 31, 2009.

41094004. Demtech, Inc. (65 Bald Mountain Road, Dubois, WY 82513), blasting for a new bridge abutment, Lower Pine Botton Run, located in Cummings Township, **Lycoming County**. Permit issued July 21, 2009. Permit expires September 8, 2009.

53094004. Penna. General Energy, (120 Market Street, Warren, PA 16365), blasting for a stone pit for well and road located in Sylvania Township, **Potter County**. Permit issued July 22, 2009. Permit expires December 31, 2009.

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

22094108. John W. Gleim, Jr., Inc., (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Hershey Medical Rehab in Derry Township, **Dauphin County** with an expiration date of December 15, 2009. Permit issued July 21, 2009.

38094116. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Heritage Commons in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued July 21, 2009.

38094117. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Fieldcrest Development in North Cornwall Township, **Lebanon County** with an expiration date of December 31, 2010. Permit issued July 21, 2009.

06094107. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Highlands at Wyomissing in Wyomissing Borough, **Berks County** with an expiration date of August 1, 2010. Permit issued July 23, 2009.

36094145. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Reamstown Church of God in East Cocalico Township, **Lancaster County** with an expiration date of August 1, 2010. Permit issued July 24, 2009.

36094149. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for a single dwelling in East Earl Township, **Lancaster County** with an expiration date of December 31, 2009. Permit issued July 24, 2009.

39094113. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Wacker Chemical in Upper Macungie Township, **Lehigh County** with an expiration date of August 1, 2010. Permit issued July 24, 2009.

39094114. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Trexler Field in Upper Macungie Township, **Lehigh County** with an expiration date of July 23, 2010. Permit issued July 24, 2009.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of

the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-790. 505 Eagleview Boulevard Associates, LP, 707 Eagleview Boulevard, P. O. Box 562, Exton, PA 19341, Uwchlan Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To amend the Permit No. E15-602 to include the construction and maintenance of the proposed 45-foot long, 14-foot span, and 4-foot rise (Conspan Arch) bridge across a UNT to Shamona Creek (HQ-TSF) associated with access to the proposed development. The project is located approximately 3,000 feet southwest of the Pottstown Pike (SR 0100) Interchange of the Pennsylvania Turnpike (Downingtown, PA USGS Quadrangle North: 11.5 inches; West: 7.1 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E39-495. Lower Milford Township, 7607 Chestnut Hill Church Road, Cooperburg, PA 18036-3712, Limeport, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a wastewater treatment plant outfall in the floodway of Saucon Creek (HQ-CWF) consisting of a 6-inch diameter PVC pipe, concrete endwall, and an approximately 2.5-foot wide, 12-inch deep lined outfall channel. The outfall will be constructed as part of the proposed Limeport Wastewater Treatment Facility and Sewerage System. Four utility line stream crossings associated with this project were previously authorized by General Permits GP053909401, GP053909402, GP053909403 and GP053909404. The project is located along Limeport Pike near its intersection with Emmaus Road in Lower Milford Township Lehigh County (Allentown East Quadrangle Latitude: 40° 30' 41"; Longitude: 75° 26' 53").

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

E22-534: Thomas B. Richey, Blue Mountain Commons HOP, Cedar Shopping Center, Inc., 3307 Trindle Road, Camp Hill, PA 17011, Susquehanna Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 16.0-foot long single span pedestrian bridge; extend an existing 50.0-foot long 10.0-foot 8.0-inch by 6.0-foot 11.0-inch corrugated metal arch culvert a total of 32.0 feet, 12.0 feet downstream and 20.0 feet upstream in a UNT to Paxton Creek (WWF); to extend an existing 38.0-inch by 60.0-inch stormwater pipe outfall 14.0 feet discharging to a UNT to Paxton Creek (WWF); to place approximately 646.0 cubic yards of fill associated with the road widening and culvert extension in the floodway of a UNT to Paxton Creek (WWF). The project is located north of Linglestown Road (SR 0039) approximately 1,000.0 feet west of its intersection with North Progress Avenue (Harrisburg East, PA Quadrangle N: 14.4 inches, W: 15.5 inches; Latitude: 40° 19' 44", Longitude: 76° 51' 40") in Susquehanna Township, Dauphin County. The purpose of the project is to increase the road width for turning lanes.

E36-844: Charles Lefever, East Lampeter Sewer Authority, 2250 Old Philadelphia Pike, Lancaster, PA, East Lampeter Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To: (1) construct and maintain a 12.0-foot by 18.0-foot building addition, and a 9.0-foot by 12.0-foot concrete pad addition to an existing 28.0-foot by 30.0-foot pump station building in the floodway of a UNT to Mill Creek (WWF); (2) construct and maintain a temporary aerial utility line crossing of three 12.0-inch diameter HPDE sanitary sewer lines, and a 1.5-inch diameter water utility line crossing in an existing 4.0-inch conduit crossing in a UNT to Mill Creek (WWF); (3) remove 275.0 linear feet of chain link fence, and an and existing 3.0-foot by 5.0-foot fuel tank shed; (4) construct and maintain 57.0 linear feet of vinyl privacy fence in the floodway of a UNT to Mill Creek (WWF); and (5) replace and maintain an existing 3.0-foot by 3.0-foot grate and sewage grinder access area in the floodway of a UNT Mill creek (WWF), all for the purpose of improving the Fertility Pump Station at a point just northeast of the intersection of Mill Creek and Strasburg Pike (Leola, PA Quadrangle N: 1.56 inches, W: 5.08 inches; Latitude: 40° 1' 45.1", Longitude: 76° 14' 36.2") in East Lampeter Township, Lancaster County.

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

E08-455. Bradford County Conservation District, R. R. 5, Box 5030C, Towanda, PA 18848. Water Obstruction and Encroachment Joint Permit, in Litchfield Township, **Bradford County**, United States Army Corps of Engineers, Baltimore District (Litchfield, PA Quadrangle N: 41° 57' 15"; W: 76° 26' 6").

To construct, operate and maintain 5,000 linear feet of stream stabilization consisting of 1,500 linear feet of rock rip-rap toe, 25 rock barbs, seven rock weirs, six single log cross vane deflectors and two log cross vanes within the Satterlee Creek Watershed (CWF) centered at the intersection of SR 1056 and SR 1067 intersection in Litchfield Township, Bradford County. Construction of the stream stabilization project with not impact any jurisdictional wetlands.

E18-445. Galen L. Donmoyer, 8978 Jacksonville Road, Mill Hall, PA 17751-1701. Water Obstruction and Encroachment Joint Permit, in Lamar Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Beech Creek, PA Quadrangle N: 41° 04' 23.6"; W: 77° 29' 44.5").

To construct and maintain a prefabricated steel structure across Cedar Run (HQ-CWF). The bridge will replace an existing ford crossing at the same location. The steel structure consists of a flat steel deck, 42-feet long and 10-feet wide. The purpose of this project is to enable access across Cedar Run for agricultural operations. The bridge will also be utilized as a cattle crossing in lieu of the existing ford. Total area of disturbance will be approximately 0.20 acre. This project is located in Cedar Run, 1.0-mile southwest of the intersection of SR 2018 and SR 0064, (Beech Creek, PA Quadrangle N: 41° 04' 23.6"; W: 77° 29' 44.5") in Lamar Township, Clinton County. This project proposes to have a minimal impact to Cedar Run, which is designated a HQ-CWF, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E55-222. Scullin Oil Company, 900 Spruce Street, Sunbury, PA 17801. Flood Zone Car Wash, in Selinsgrove Borough, **Snyder County**, United States Army Corps of Engineers, Baltimore District (Sunbury, PA Quadrangle Latitude: 40° 48' 35"; Longitude: 76° 51' 22").

To remove an addition to the existing structure and to construct, operate and maintain three new vacuum islands that measure 10 feet by 3 feet and will displace 100 cubic feet of volume. The work is intended to only disturb 935 square feet of area and is located less than 1 mile from the SR 522 and Market Street interchange. This permit was issued under Section 105.13(e) "Small Projects."

ENVIRONMENTAL ASSESSMENTS

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

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

The applicant proposes to remove a 0.91 acre on-stream pond and restore 300.0 linear feet of a UNT to Hartman Run to facilitate a 64-lot residential subdivision known as Steamboat Landing. The applicant proposes to create PEM wetlands in the existing pond footprint and create a

vegetated riparian corridor along the newly created channel. The project is located along Steamboat Boulevard, just east of its intersection with North George Street (York Haven, PA Quadrangle N: 6.7 inches W: 12.6 inches Latitude: 40° 2' 11.9" N Longitude: 76° 42' 54.2" W) in East Manchester Township, York County.

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.

07/15/09

ESCGP-1 No.: ESX09-051-0019

Applicant Name: Eastern American Energy Corp.

Contact Person: Barbara A. Chambers

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: Frosty Run and Dutch Creek, Other

07/17/09

ESCGP-1 No.: ESX09-059-0024

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

Receiving Stream(s) and Classifications: Muddy Creek, Other

07/17/09

ESCGP-1 No.: ESX09-051-0022

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): Springhill

Receiving Stream(s) and Classifications: UNT to Grassy Run, Other

07/17/09

ESCGP-1 No.: ESX09-125-0020

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 Plum Run, Other

07/21/09

ESCGP-1 No.: ESX09-125-0021

Applicant Name: Atlas Energy Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Washington Township(s): Deemston/North Bethlehem

Receiving Stream(s) and Classifications: UNT to Plum Run, Other

07/22/09

ESCGP-1 No.: ESX09-059-0025

Applicant Name: Eastern American Energy Corp

Contact Person: Barbara Chambers

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: Ohio Basin, Subbasin Number 19, Watershed B, Other

07/22/09

ESCGP-1 No.: ESX09-063-0005

Applicant Name: XTO Energy, Inc.

Contact Person: Scott Huntington

Address: 395 Airport Road

City: Indiana State: PA Zip Code: 15701

County: Indiana Township(s): Center/Black Lick

Receiving Stream(s) and Classifications: Cherry Run, Other

07/23/09

ESCGP-1 No.: ESX09-063-0006

Applicant Name: PC Exploration, Inc.

Contact Person: Gary Clark

Address: 502 Keystone Drive

City: Warrendale State: PA Zip Code: 15086

County: Indiana Township(s): Black Lick

Receiving Stream(s) and Classifications: Stewart Run—CWF & Black Lick Creek—CWF, Other

07/23/09

ESCGP-1 No.: ESX09-059-0026

Applicant Name: Coal Gas Recovery, LLC

Contact Person: Joanne Reilly

Address: 158 Portal Road, P. O. Box 1020

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Whiteley, Franklin, Wayne

Receiving Stream(s) and Classifications: Roberts Run, Smith Creek, Whiteley Creek, Other

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESG09-081-0004

Applicant Name Chief Gathering, LLC

Contact Person Ted Wurfel

Address 6051 Wallace Road Extension

City, State, Zip Wexford, PA 15090

County Lycoming

Township(s) Penn and Franklin Townships

Receiving Stream(s) and Classification(s) Sugar, Greys, Big and Beaver Runs

ESCGP-1 # ESX09-015-0019

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address P. O. Box 18496

City, State, Zip Oklahoma City, OK 73154-0496

County Bradford

Township(s) Asylum

Receiving Stream(s) and Classification(s) UNT to Durell Creek

ESCGP-1 # ESX09-015-0021

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address P. O. Box 18496

City, State, Zip Oklahoma City, OK 73154-0496

County Bradford

Township(s) Ulster Township

Receiving Stream(s) and Classification(s) UNT to Hemlock Run

ESCGP-1 # ESX09-117-0009

Applicant Name Seneca Resources Corp.

Contact Person Doug Kepler

Address 51 Zents Bovelvard

City, State, Zip Brookville, PA 15825

County Tioga

Township(s) Covington Township

Receiving Stream(s) and Classification(s) UNT to Elk Run

ESCGP-1 # ESX09-015-0023

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins or Tal Oden
Address P. O. Box 18496
City, State, Zip Oklahoma City, OK 73154-0496
County Bradford
Township(s) Granville Township
Receiving Stream(s) and Classification(s) UNT to North Branch Towanda Creek

ESCGP-1 # ESX09-033-0003

Applicant Name EQT Production Company
Contact Person Shari Hodges
Address 225 North Shore Drive
City, State, Zip Pittsburgh, PA 15212-5861
County Clearfield
Township(s) Ferguson Township
Receiving Stream(s) and Classification(s) Chest Creek

ESCGP-1 # ESX09-117-0010

Applicant Name Fortuna Energy, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Tioga
Township(s) Sullivan and Ward Townships
Receiving Stream(s) and Classification(s) Tioga River/ Tribs to Fall Brook and Fellows Creek

ESCGP-1 # 5809801

Applicant Name Epsilon Energy USA, Inc.
Contact Person Richard Collins
Address 3766 US 31 South
City, State, Zip Traverse City MI 49684
County Susquehanna
Township(s) Auburn, Jessup and Rush Townships
Receiving Stream(s) and Classification(s) Deer Lick Creek

ESCGP-1 # ESX09-015-0025

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins/Tal Oden
Address P. O. Box 18496
City, State, Zip Oklahoma City, OK 73154-0496
County Bradford
Township(s) Terry Township
Receiving Stream(s) and Classification(s) Susquehanna River Basin

ESCGP-1 # ESX09-015-0029

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins/Tal Oden
Address P. O. Box 18496
City, State, Zip Oklahoma City, OK 73154-0496
County Bradford
Township(s) West Burlington Township
Receiving Stream(s) and Classification(s) UNT to Sugar Creek

ESCGP-1 # ESX09-015-0030

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins/Tal Oden
Address P. O. Box 18496
City, State, Zip Oklahoma City, OK 73154-0496
County Bradford
Township(s) West Burlington Township
Receiving Stream(s) and Classification(s) UNT to Sugar Creek

ESCGP-1 # ESX09-117-0007

Applicant Name Midstream Covington, LLC
Contact Person Bruce Clark
Address 1100 State Street
City, State, Zip Erie, PA, 16512
County Tioga
Townships Richmond, Covington, Bloss and Charleston Township
Receiving Stream(s) and Classification(s) Tan Creek, Boone Run, Tributary 31467 to Johnson Creek, Tributary 31466 to Johnson Creek, Johnson Creek

ESCGP-1 # ESX09-037-0003
 Applicant Name Citrus Energy Corp.
 Contact Person Jeffrey Searfoss
 Address 5601 Democracy Drive, Suite 190
 City, State, Zip Plano, TX 75024
 County Columbia
 Township(s) Benton and Sugarloaf Townships
 Receiving Stream(s) and Classification(s) Raven Creek

ESCGP-1 # ESX09-131-0002
 Applicant Name Citrus Energy Corp.
 Contact Person Randy Holt
 Address 5601 Democracy Drive, Suite 190
 City, State, Zip
 Plano, TX 75024
 County Wyoming
 Township(s) Washington Township
 Receiving Stream(s) and Classification(s) Susquehanna River, UNTs

ESCGP-1 # 58-09-802
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Jeffrey Keim
 Address 900 Lee Street East, Suite 1100
 City, State, Zip Charleston, WV 25301
 County Susquehanna
 Township(s) Dimock Township
 Receiving Stream(s) and Classification(s) Thomas Creek

ESCGP-1 # 5909803
 Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Ward Township
 Receiving Stream(s) and Classification(s) UNT to Tioga River, UNT to Fall Brook

ESCGP-1 # ESCP 08-09-11-08
 Applicant Name Fortuna Energy, Inc.
 Contact Person
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Troy Township
 Receiving Stream(s) and Classification(s) UNT to North Branch Towanda Creek

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-42-008	American Refining Group, Inc. 77 North Kendall Avenue Bradford, PA 16701 Attn: Steve Sherk	McKean	Bradford City	4 ASTs storing petroleum products	1,270,164 gallons total

SPECIAL NOTICES

Notice of Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) hereby announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556,

Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollu-

tion prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

JOHN HANGER,
Secretary

Act 101, Section 901 Planning Grant

Region	County	Applicant	Project Description	Grant Award
Southeast				
Northeast				
Southcentral				
Northcentral	Mifflin	Mifflin County	Revenue Study	\$200,000
Southwest				
Northwest				

**DRINKING WATER STATE REVOLVING FUND
SPECIAL NOTICE**

Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f et seq.

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

Project Location:

Applicant	Applicant Address	County
BCI Municipal Authority	P. O. Box 388 Irvona, PA 16656	Clearfield

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. BCI Municipal Authority proposes to construct a waterline extension project between Glen Hope and Tubbs Crossing. The Department of Environment 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. 09-1421. Filed for public inspection August 7, 2009, 9:00 a.m.]

Bid Opportunity

OSM 17(0109)101.1, Abandoned Mine Reclamation Project, Lake Street, Bradford Township, Clearfield County. The principal items of work and approximate quantities include mobilization and demobilization, clear-

ing and grubbing, demolition, removal and disposal of mine facilities, diversion and care of water, 135 cubic yards of channel excavation, 105 square yards of rock lining with filter fabric, 835 cubic yards of trench excavation, 290 linear feet of pipe culvert smooth-interior corrugated polyethylene, one each of concrete collar and seeding. This project issues on August 7, 2009, and bids will be opened on September 3, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1422. Filed for public inspection August 7, 2009, 9:00 a.m.]

**DEPARTMENT OF
PUBLIC WELFARE**

Additional Class of Disproportionate Share Payments for Critical Access Hospitals and Qualifying Rural Hospitals

The Department of Public Welfare (Department) is providing final notice of the establishment of an additional class of disproportionate share hospital (DSH) payments for qualifying hospitals based on the designation as a Critical Access Hospital (CAH) or as a qualifying rural hospital.

The Department previously published notice of its intent to establish this additional class of DSH payment for qualifying hospitals based on the designation as a CAH or as a qualifying rural hospital at 39 Pa.B. 1594 (March 28, 2009). The Department received written comments from three hospitals located in counties of the 5th class during the public comment period. The comments were very similar and requested that the Department extend eligibility for this DSH payment to qualifying rural hospitals located in counties of the 5th class. The commenting hospitals stated that such an expansion would assist additional safety net hospitals and have only a limited impact on other qualifying hospitals.

The Commonwealth is dedicated to ensuring the availability of quality care to individuals in rural areas across the Commonwealth. To maintain the system for rural health services, the Department proposed the establishment of an additional class of DSH payments for CAHs and qualifying rural hospitals. CAHs are defined as any hospital that has qualified under section 1861(mm)(1) of the Social Security Act (42 U.S.C. § 1395x(mm)(1)) (relating to definitions) as a "critical access hospital" under Medicare. The Department proposed to define a qualifying rural hospital as an acute care general hospital that is licensed as a hospital under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) that meets all of the following criteria:

- (a) Located in a county of the 6th, 7th or 8th class that has no more than two Medical Assistance (MA)-enrolled acute care general hospitals.

(b) Located in a county that has greater than 17% of its population that are eligible for MA or has greater than 10,000 persons eligible for MA.

(c) Has no more than 200 licensed and staffed beds.

(d) Does not qualify as a CAH under section 1861(mm)(1) of the Social Security Act (42 U.S.C. § 1395x(mm)(1)).

Although the Department understands the issues that hospitals located in counties of the 5th class may face, it is unable to expand the criteria for qualifying rural hospitals at this time. Under its proposed payment methodology, the Department will pay CAHs 101% of allowable inpatient and outpatient MA costs after deducting all other MA payments. After making payments to CAHs, the Department will distribute any remaining funds to qualifying rural hospitals. The Department will distribute the remaining funds to qualifying rural hospitals with 50% of the funds being divided equally among all qualifying rural hospitals and with 50% of the funds being distributed based on each qualifying hospital's percentage of MA Fee-for-Service (FFS) discharges as compared to all qualifying hospitals' total MA FFS discharges.

For the 2008-2009 Fiscal Year (FY), 12 hospitals located in counties of the 6th, 7th and 8th class are eligible for this limited funding allocated in the Commonwealth budget. There are 22 acute care general hospitals located in the nine counties classified as counties of the 5th class and 7 acute care general hospitals would qualify for this additional class of DSH payment if eligibility were extended to counties of the 5th class. Given the limited amount of funding available for this DSH payment, the Department has determined to limit the payment to those hospitals located in the most rural areas of the Commonwealth. The Department accordingly will implement the payment methodology for the DSH payment described in its notice of intent published at 39 Pa.B. 1594.

Fiscal Impact

The FY 2008-2009 fiscal impact, as a result of this additional class of DSH payments is \$10.748 million (\$4.888 million in State General Funds and \$5.860 million in Federal Funds upon approval by the Centers for Medicare and Medicaid Services). These payments are provided for in the FY 2008-2009 Critical Access Hospital appropriation.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-614. (1) General Fund; (2) Implementing Year 2008-09 is \$4.888M; (3) 1st Succeeding Year 2009-10 is \$0M; 2nd Succeeding Year 2010-11 is \$0M; 3rd Succeeding Year 2011-12 is \$0M; 4th Succeeding Year 2012-13 is \$0M; 5th Succeeding Year 2013-14 is \$0M; (4) 2007-08 Program—\$0; 2006-07 Program—\$0; 2005-06 Program—\$0; (7) MA—Critical Access Hospitals; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1423. Filed for public inspection August 7, 2009, 9:00 a.m.]

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period July 1, 2008, through June 30, 2009, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2008, to June 30, 2009, disproportionate share payment percentages:

Acute Care General Hospitals

ALBERT EINSTEIN MED CTR	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%
CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%
CLEARFIELD HOSPITAL	4.78%
CROZER CHESTER MEDICAL CENTER	3.33%
DUBOIS REGIONAL MED CTR	10.00%
HIGHLAND HOSPITAL	3.08%
HOSPITAL UNIVERSITY OF PA	3.76%
INDIANA HOSPITAL	3.45%
JAMESON MEMORIAL	1.00%
KENSINGTON HOSPITAL	4.66%
MAGEE WOMEN'S	6.23%
MEMORIAL HOSPITAL—TOWANDA	5.46%
MERCY HOSP OF PHILA	4.75%
NPHS—GIRARD	1.00%
NPHS—ST. JOSEPH'S	7.44%
PENN PRESBYTERIAN MED CTR OF UPHS	2.96%
PUNXSUTAWNEY AREA HOSPITAL	4.04%
TEMPLE EAST	3.99%
TEMPLE UNIVERSITY HOSPITAL	6.29%
THS—HAHNEMANN UNIV HOSPITAL	3.58%
THS—ST. CHRISTOPHER'S	14.00%
THOMAS JEFFERSON	3.00%
TITUSVILLE AREA HOSP	4.81%

UPMC—BEDFORD	9.00%
UPMC—PRESBYTERIAN—SHADYSIDE	3.66%
VALLEY FORGE	6.05%
WAYNE COUNTY MEMORIAL	5.54%
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%

Psychiatric Units of Acute Care General Hospitals

ALBERT EINSTEIN	2.97%
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%
DUBOIS REGIONAL MEDICAL CENTER	3.02%
HIGHLAND HOSPITAL	2.19%
INDIANA HOSPITAL	2.03%
JAMESON MEMORIAL	1.65%
MERCY HOSP OF PHILADELPHIA	3.14%
NPHS—GIRARD	1.00%
PENN PRESBYTERIAN MED CNTR OF UPHS	2.12%
TEMPLE UNIVERSITY HOSP	4.02%
THS—HAHNEMANN UNIV HOSP	2.47%

Drug and Alcohol Units of Acute Care Hospitals

NPHS—ST JOSEPH'S	9.00%
PENN PRESBYTERIAN MED CNTR OF UPHS	2.24%
VALLEY FORGE	6.91%

Medical Rehab Units of Acute Care Hospitals

ALBERT EINSTEIN	4.50%
CHILDREN'S HOSPITAL OF PHILADELPHIA	10.00%
DUBOIS REGIONAL MEDICAL CENTER	4.63%
JAMESON MEMORIAL	1.00%
TEMPLE UNIVERSITY HOSP	7.26%

Freestanding Rehab Hospitals

CHILDRENS INSTITUTE OF PITTSBURGH	6.75%
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Private Psychiatric Hospitals

BELMONT CENTER	3.92%
BROOKE GLEN BEHAVIORAL HEALTH	6.51%
CLARION PSYCHIATRIC CENTER	6.33%
DEVEREAUX—MAPLETON PSYCH CTR	10.00%
FAIRMOUNT BHS	3.00%
FIRST HOSPITAL WYOMING VALLEY	5.60%
FOUNDATIONS BEHAVIORAL HEALTH	7.49%
FRIENDS HOSPITAL	2.60%
HORSHAM PSYCHIATRIC HOSPITAL	4.59%
KIDSPEACE HOSPITAL	9.00%
MEADOWS PSYCHIATRIC CENTER	7.44%
MONTGOMERY COUNTY MH/MR ER SVS	4.85%
PHILHAVEN	5.60%
SOUTHWOOD PSYCHIATRIC HOSPITAL	7.2%

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL	3.57%
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B. Additional Disproportionate Share Payments

Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's General Assistance Program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients, 21 years of age or older but under 65 years of age, for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

Acute Care General Hospitals

ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MED CTR
ALFRED I. DUPONT INSTITUTE
ALLEGHENY KISKI
ALTOONA HOSPITAL
AMERICAN ONCOLOGIC
ARMSTRONG COUNTY MEMORIAL
BARNES KASSON HOSPITAL
BLOOMSBURG HOSPITAL
BRADFORD REGIONAL
BRANDYWINE HOSPITAL
BROOKVILLE HOSPITAL
BRYN MAWR HOSPITAL
BUCKTAIL MEDICAL CENTER
BUTLER COUNTY MEMORIAL
CANONSBURG GENERAL HOSPITAL
CARLISLE HOSPITAL
CENTRAL MONTGOMERY HOSP
CHAMBERSBURG HOSPITAL
CHARLES COLE MEMORIAL HOSPITAL
CHESTER COUNTY HOSPITAL
CHHS HOSP CO/CHESTNUT HILL HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
CHILDREN'S HOSPITAL OF PITTSBURGH
CHS—BERWICK HOSPITAL
CLARION HOSPITAL
CLEARFIELD HOSPITAL
COMMONWEALTH MEDICAL CENTER
COMMUNITY MED CTR—SCRANTON
CONEMAUGH VALLEY HOSP
COORDINATED HEALTH ORTHOPEDIC HOSPITAL
CORRY MEMORIAL
CROZER—CHESTER MEDICAL CENTER
DELAWARE COUNTY MEMORIAL
DIVINE PROVIDENCE—WILLIAMSPORT
DOYLESTOWN HOSPITAL
DUBOIS REGIONAL MED CTR
EASTON HOSPITAL
EDGEWOOD SURGICAL HOSPITAL
ELK REGIONAL
ELLWOOD CITY
ENDLESS MTS. HLTH SYS
EPHRATA COMMUNITY
EVANGELICAL COMMUNITY
FRANKFORD HOSPITAL
FRICK COMMUNITY
FULTON COUNTY MEDICAL CENTER
GEISINGER MEDICAL CENTER
GEISINGER SOUTH WILKES-BARRE

GEISINGER WYOMING VALLEY
 GETTYSBURG HOSPITAL
 GNADEN HUETTEN MEMORIAL
 GOOD SAMARITAN—LEBANON
 GOOD SAMARITAN—POTTSVILLE
 GRAND VIEW HOSPITAL
 GROVE CITY MEDICAL CENTER
 HAMOT MED CTR
 HANOVER HOSPITAL
 HAZLETON GENERAL HOSPITAL
 HEART OF LANCASTER REGIONAL MEDICAL
 CENTER
 HIGHLAND HOSPITAL
 HOLY REDEEMER
 HOLY SPIRIT HOSPITAL
 HOSPITAL OF THE UNIVERSITY OF PENNA
 INDIANA HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 JC BLAIR
 JEANES HOSPITAL
 JEFFERSON HEALTH SERVICE
 JENNERSVILLE REGIONAL HOSP
 JERSEY SHORE HOSPITAL
 KANE COMMUNITY
 KENSINGTON HOSPITAL
 LANCASTER GENERAL
 LANCASTER REGIONAL MED CTR
 LANKENAU HOSPITAL
 LANSDALE HOSPITAL
 LATROBE AREA
 LEHIGH VALLEY HOSP—MUHLENBERG
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN HOSPITAL
 LIFECARE HOSPITALS OF PITTSBURGH
 LOCK HAVEN HOSP
 M S HERSHEY MEDICAL CENTER
 MAGEE WOMEN'S
 MARIAN COMMUNITY
 MEADVILLE MED CTR
 MEDICAL CENTER, BEAVER, PA
 MEMORIAL HOSP—YORK
 MEMORIAL HOSPITAL—TOWANDA
 MERCY CATHOLIC FITZGERALD
 MERCY HOSP—PGH
 MERCY HOSP OF PHILA
 MERCY HOSPITAL—SCRANTON
 MERCY SPECIAL CARE
 MERCY SUBURBAN—NORRISTOWN
 MEYERSDALE COMMUNITY HOSPITAL
 MID VALLEY HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MINERS HOSPITAL OF N CAMBRIA
 MINERS MEMORIAL MEDICAL CENTER
 MONONGAHELA VALLEY
 MONTGOMERY HOSPITAL MED CTR
 MOSES TAYLOR
 MT. NITTANY MED CTR
 MUNCY VALLEY HOSPITAL
 NASON HOSPITAL
 NAZARETH HOSPITAL
 NPHS—GIRARD
 NPHS—ST. JOSEPH'S
 OHIO VALLEY GENERAL
 PALMERTON HOSPITAL
 PAOLI MEMORIAL HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER OF UPHS
 PHOENIXVILLE HOSPITAL OF UPHS
 PINNACLE HEALTH HOSPITALS
 POCONO MED CTR
 POTTSTOWN MEMORIAL

POTTSVILLE HOSPITAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL AND MED CTR
 RIDDLE MEMORIAL HOSPITAL
 ROBERT PACKER HOSP
 ROXBOROUGH MEMORIAL
 SACRED HEART—ALLENTOWN
 SAINT CATHERINE HOSPITAL OF PENNSYLVANIA
 SCHUYLKILL MEDICAL CENTER EAST
 NORWEGIAN ST
 SCHUYLKILL MEDICAL CENTER SOUTH
 JACKSON ST
 SEWICKLEY VALLEY HOSPITAL
 SHAMOKIN AREA COMMUNITY HOSPITAL
 SHARON REGIONAL HEALTH SYSTEM
 SOLDIERS AND SAILORS MEMORIAL
 SOMERSET HOSPITAL
 SOUTHWEST REGIONAL MEDICAL CENTER
 ST. CLAIR MEMORIAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKE'S—BETHLEHEM
 ST. LUKE'S—QUAKERTOWN
 ST. MARY'S—LANGHORNE
 ST. VINCENT HLTH CTR
 SUNBURY COMMUNITY
 SURGICAL INSTITUTE OF READING
 TEMPLE EAST
 TEMPLE LOWER BUCKS HOSPITAL
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIV HOSPITAL
 THS—HAHNEMANN UNIV HOSPITAL
 THS—ST. CHRISTOPHER'S
 TITUSVILLE AREA HOSP
 TROY COMMUNITY
 TYLER MEMORIAL HOSPITAL
 TYRONE HOSPITAL
 UNIONTOWN HOSPITAL
 UNIVERSITY OF PENNSYLVANIA MEDICAL
 CENTER—PENNSYLVANIA HOSPITAL
 UPMC—BEDFORD
 UPMC—BRADDOCK
 UPMC—HORIZON
 UPMC—MCKEESPORT
 UPMC—NORTHWEST MED CTR
 UPMC—PASSAVANT
 UPMC—PRESBYTERIAN—SHADYSIDE UNIV HOSP
 UPMC—SOUTH SIDE
 UPMC—ST. MARGARET
 VALLEY FORGE
 WARREN GENERAL HOSPITAL
 WASHINGTON HOSPITAL
 WAYNE COUNTY MEMORIAL
 WAYNESBORO HOSPITAL
 WEST VIRGINIA UNIV HOSPITALS, INC.
 WEST PENN—ALLEGHENY
 WESTERN PENN—FORBES REGIONAL CAMPUS
 WESTERN PENNSYLVANIA
 WESTFIELD MED CTR
 WESTMORELAND REGIONAL
 WILLIAMSPORT HOSPITAL & MED CTR
 WINDBER MED CTR
 WYOMING VALLEY HLTH CARE SYS
 YORK HOSPITAL

Psychiatric Units of Acute Care Hospitals

ABINGTON MEMORIAL
 ALBERT EINSTEIN
 ALLEGHENY—KISKI MED CTR
 ALTOONA
 ARMSTRONG COUNTY MEMORIAL

BERWICK HOSP CENTER
 BLOOMSBURG HOSP
 BRADFORD
 BRANDYWINE HOSPITAL
 BRYN MAWR HOSP
 BUTLER COUNTY MEMORIAL
 CHAMBERSBURG HOSPITAL
 CLEARFIELD HOSPITAL
 COMMONWEALTH MEDICAL CENTER
 COMMUNITY MEDICAL CENTER
 CONEMAUGH VALLEY
 CORRY MEMORIAL
 CROZER—CHESTER
 DIVINE PROVIDENCE—WMSPT
 DUBOIS REGIONAL MED CNTR
 EAGLEVILLE HOSPITAL
 ELK REGIONAL CTR
 EPHRATA COMMUNITY
 FRANKFORD HOSP—BUCKS CO CAMPUS
 GEISINGER MEDICAL CENTER
 GEISINGER SOUTH WILKES-BARRE
 GRANDVIEW
 HIGHLAND HOSPITAL
 HOLY SPIRIT
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL HOSP
 JEFFERSON HEALTH SERV
 LANCASTER REGIONAL MED CTR
 LANCASTER GENERAL
 LATROBE AREA
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN
 MARIAN COMMUNITY HOSPITAL
 MEADVILLE MED CNTR
 MEDICAL CENTER, BEAVER PA, THE
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSPITAL—PGH
 MERCY SPECIAL CARE HOSPITAL—NANTICOKE
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY
 MONTGOMERY
 MOSES TAYLOR
 MOUNT NITTANY MEDICAL CENTER
 NPHS—GIRARD
 PENN PRESBYTERIAN MED CENTER
 POCONO HOSPITAL
 POTTSTOWN MEMORIAL MED CTR
 POTTSVILLE HOSPITAL
 READING HOSPITAL
 ROBERT PACKER
 SACRED HEART HOSP—ALLENTOWN
 SCHUYLKILL MEDICAL CENTER SOUTH
 JACKSON ST
 SEWICKLEY VALLEY HOSP
 SHAMOKIN AREA COMM HOSP
 SHARON REGIONAL HLTH SYST
 SOLDIERS AND SAILORS
 SOMERSET HOSP CNTR FOR HEALTH
 SOUTHWEST REGIONAL MEDICAL CENTER
 ST. CLAIR MEMORIAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKES OF BETHLEHEM
 ST. LUKES—QUAKERTOWN
 ST. VINCENT
 SUNBURY COMMUNITY
 TEMPLE UNIVERSITY HOSPITAL
 TEMPLE—LOWER BUCKS
 THOMAS JEFFERSON

THS—HAHNEMANN UNIV HOSP
 UNIVERSITY OF PENNSYLVANIA MEDICAL
 CENTER—PENNSYLVANIA
 UNIV OF PITT MED CTR—BRADDOCK
 UNIV OF PITT MED CTR—MCKEESPORT
 UPMC—NORTHWEST MED CTR
 UPMC PRESBYTERIAN SHADYSIDE
 WARREN GENERAL
 WASHINGTON
 WEST PENN—ALLEGHENY
 WESTERN PENNSYLVANIA
 WESTERN PENN HOSPITAL—FORBES
 REGIONAL CAMPUS
 WESTMORELAND
 YORK HOSPITAL

Drug and Alcohol Units of Acute Care Hospitals

BUTLER COUNTY MEMORIAL
 MEADVILLE MED CTR
 NPHS—ST. JOSEPH'S HOSP
 PRESBY MED CTR OF UNIV OF PA HLTH SYST
 VALLEY FORGE

Medical Rehab Units of Acute Care Hospitals

AI DUPONT
 ABINGTON MEMORIAL HOSP
 ALBERT EINSTEIN
 ALTOONA
 CARLISLE REGIONAL MEDICAL CENTER
 CHAMBERSBURG HOSPITAL
 CHARLES COLE
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CONEMAUGH VALLEY HOSP
 CROZER—CHESTER MED CNTR
 DELAWARE CNTY MEM HOSP
 DUBOIS REG MED CNTR
 EASTON HOSPITAL
 GEISINGER—WYOMING VALLEY
 GNADEN HUETTEN MEMORIAL HOSP—MRU
 GOOD SAMARITAN HOSPITAL—LEBANON
 GOOD SAMARITAN REGIONAL MEDICAL CENTER
 HANOVER HOSPITAL
 HAZELTON GENERAL HOSPITAL MRU
 HOSP OF THE UNIV OF PA
 INDIANA HOSPITAL
 JAMESON MEMORIAL
 JEFFERSON HEALTH SERVICES
 LANCASTER GENERAL HOSP
 LANCASTER REGIONAL MEDICAL CENTER
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL—PITTSBURGH
 MILTON S. HERSHEY MED CTR
 MONONGAHELA VALLEY HOSP
 NAZARETH
 OHIO VALLEY
 PINNACLE HEALTH HOSPITALS
 POTTSVILLE HOSPITAL
 READING HOSPITAL
 SCHUYLKILL MEDICAL CENTER EAST
 NORWEGIAN ST
 SCHUYLKILL MEDICAL CENTER SOUTH
 JACKSON ST
 SEWICKLEY VALLEY HOSPITAL
 ST. MARY HOSP—LANGHORNE
 ST. VINCENT HEALTH CNTR
 TEMPLE UNIVERSITY HOSP
 THOMAS JEFFERSON UNIV HOSP
 UPMC—HORIZON
 UPMC—MCKEESPORT
 UPMC—NORTHWEST MED CTR
 UPMC—PASSAVANT

UPMC—PRESBYTERIAN SHADYSIDE
 UPMC—SOUTHSIDE
 UPMC—ST. MARGARET
 WASHINGTON HOSPITAL
 WESTMORELAND HOSPITAL
 WILLIAMSPORT HOSPITAL

Freestanding Rehab Hospitals

ALLIED SERVICES REHAB HOSPITAL
 BRYN MAWR REHAB HOSPITAL
 CHILDREN'S HOME OF PITTSBURGH
 CHILDREN'S INSTITUTE
 GOOD SHEPHERD REHAB HOSPITAL
 HEALTH SOUTH HARMARVILLE
 HEALTH SOUTH LAKE ERIE INSTITUTE REHAB
 HEALTH SOUTH MECHANICSBURG REHAB
 HEALTH SOUTH PENN STATE GEISENGER
 REHAB HOSP
 HEALTH SOUTH READING REHAB HOSPITAL
 HEALTH SOUTH REHAB HOSPITAL OF YORK
 HEALTH SOUTH REHAB OF ALTOONA
 HEALTH SOUTH REHAB OF NITTANY VALLEY
 HEALTH SOUTH REHAB OF SEWICKLEY
 JOHN HEINZ INSTITUTE
 LANCASTER REHAB HOSP
 PENN STATE HERSHEY
 MAGEE MEMORIAL REHAB HOSPITAL

Private Psychiatric Hospitals

BELMONT CENTER FOR COMP TREATMENT
 BERKS BEHAVIORAL HEALTH
 BROOKE GLEN BEHAVIORAL HOSPITAL
 CLARION PSYCHIATRIC CENTER
 DEVEREUX—MAPLETON PSYCH CTR
 FAIRMOUNT BHS
 FIRST HOSPITAL
 FOUNDATIONS BEHAVIORAL HEALTH
 FRIENDS HOSPITAL
 HORSHAM CLINIC
 KIDSPEACE
 KIRKBRIDE CENTER
 MEADOWS PSYCHIATRIC CENTER
 MONTGOMERY COUNTY EMERGENCY SERVICE, INC
 PENNSYLVANIA PSYCH INSTITUTE
 PHILHAVEN
 ROXBURY PSYCHIATRIC
 SOUTHWOOD PSYCH HOSPITAL

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT
 ABINGTON MEMORIAL
 ALBERT EINSTEIN
 BARNES KASSON
 CHARLES COLE MEMORIAL
 CHILDRENS HOSP OF PHILA
 CLARION
 CLEARFIELD
 COMMONWEALTH MEDICAL CENTER
 CROZER—CHESTER MED CTR
 DOYLESTOWN
 DUBOIS REGIONAL MED CTR
 EAGLEVILLE
 EASTON HOSPITAL
 EVANGELICAL COMMUNITY
 FRANKFORD
 FULTON COUNTY MEDICAL CTR
 GEISINGER MEDICAL CENTER
 HAMOT MEDICAL CENTER
 HOSP OF THE UNIV OF PA
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL
 LANKENAU
 LEHIGH VALLEY
 LOCK HAVEN
 MAGEE WOMENS
 MEADVILLE MED CTR
 MEMORIAL HOSP TOWANDA
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILA
 MERCY HOSPITAL—PGH
 MILTON S. HERSHEY MED CTR
 NPHS—ST. JOSEPH'S
 NPHS—GIRARD
 PRESBYT MED CTR OF PHILA
 PRESBYT UNIV HOSPITAL—PGH
 PUNXSUTAWNEY
 READING HOSPITAL
 SOLDIERS AND SAILORS
 ST. LUKES OF BETHLEHEM
 TEMPLE UNIVERSITY HSP
 THOMAS JEFFERSON
 THS—HAHNEMANN HOSPITAL
 TITUSVILLE
 UPHS—PENNSYLVANIA HOSPITAL
 UPMC BEDFORD
 UPMC BRADDOCK MEDICAL CENTER
 VALLEY FORGE
 WAYNE COUNTY MEMORIAL
 WEST PENN—ALLEGHENY
 WEST VIRGINIA
 WESTERN PENN
 YORK HOSPITAL

Public Comment

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

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).

Fiscal Note: 14-NOT-615. No fiscal impact; (8) recommends adoption.

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 09-1424. Filed for public inspection August 7, 2009, 9:00 a.m.]

Notice of Public Hearing for the Early Learning Council

The purpose of this notice is to announce that on August 12, 2009, the Office of Child Development and Early Learning will hold a public hearing of the Early Learning Council to provide information and discuss the State strategic plan for Early Childhood leadership and submitting a Federal application for funding.

Interested persons are invited to attend the public hearing scheduled to begin at 2 p.m. on August 12, 2009, at the Pittsburgh PaTTAN, 3190 William Pitt Way, Pittsburgh, PA 15238. Directions and additional information can be found at <http://www.pattan.net/about/PittsburghDirectionsandAccommodations.aspx>.

Registration is required. Contact the Office of Child Development and Early Learning at RA-dpwood.net@state.pa.us or (717) 346-9320 to register.

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-619. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1425. Filed for public inspection August 7, 2009, 9:00 a.m.]

Peer Groups, Peer Group Medians, and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities; Correction

The Department of Public Welfare is correcting the year stated for the peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities in the notice which was published at 39 Pa.B. 2404 (May 9, 2009). The notice incorrectly stated "Year 13" as the year for peer group prices. Instead of "Year 13," the notice should have stated "Year 14" for the peer group prices.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-616. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1426. Filed for public inspection August 7, 2009, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 20X The Money '09 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 20X The Money '09.

2. *Price:* The price of a Pennsylvania 20X The Money '09 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania 20X The Money '09 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 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), 21 (TWYONE), 22 (TWYTWO), 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), 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), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 5X symbol (5TIMES) and a 20X symbol (20TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania 20X The Money '09 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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 "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X symbol (20TIMES), and a prize symbol of \$500 (FIV HUN) appears under the

20X symbol (20TIMES), on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X symbol (20TIMES), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the 20X symbol (20TIMES), 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 "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X symbol (20TIMES), and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the 20X symbol (20TIMES), on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X symbol (20TIMES), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the 20X symbol (20TIMES), on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of \$40⁰⁰ (FORTY) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X symbol (20TIMES), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the 20X symbol (20TIMES), on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

\$5
\$5 x 2
\$10

Win:
\$5
\$10
\$10

Approximate Odds Are 1 In:
8.57
40
33.33

Approximate No. Of Winners Per 10,200,000 Tickets
1,190,000
255,000
306,000

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

Prize(s)	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,200,000 Tickets
\$5 × 4	\$20	200	51,000
\$10 × 2	\$20	150	68,000
\$20	\$20	150	68,000
\$5 × 5	\$25	300	34,000
\$5 w/5X	\$25	100	102,000
\$25	\$25	300	34,000
\$5 × 8	\$40	600	17,000
(\$5 w/5X) + (\$5 × 3)	\$40	600	17,000
\$10 × 4	\$40	600	17,000
\$20 × 2	\$40	600	17,000
\$40	\$40	600	17,000
\$5 × 10	\$50	600	17,000
(\$5 w/5X) + (\$5 × 5)	\$50	600	17,000
\$10 w/5X	\$50	600	17,000
\$25 × 2	\$50	600	17,000
\$50	\$50	600	17,000
\$5 w/20X	\$100	1,846	5,525
\$10 × 10	\$100	1,846	5,525
\$20 w/5X	\$100	1,846	5,525
\$25 × 4	\$100	2,000	5,100
\$50 × 2	\$100	1,967	5,185
\$100	\$100	1,846	5,525
\$20 w/20X	\$400	17,143	595
\$40 × 10	\$400	17,143	595
\$50 × 8	\$400	17,143	595
\$100 × 4	\$400	17,143	595
\$400	\$400	17,143	595
\$25 w/20X	\$500	24,000	425
(\$40 w/5X) + (\$50 × 6)	\$500	24,000	425
\$50 × 10	\$500	24,000	425
\$500	\$500	24,000	425
\$50 w/20X	\$1,000	40,000	255
(\$100 w/5X) + (\$100 × 5)	\$1,000	40,000	255
\$500 × 2	\$1,000	40,000	255
\$1,000	\$1,000	40,000	255
\$500 w/20X	\$10,000	1,020,000	10
\$10,000	\$10,000	1,020,000	10
\$100,000	\$100,000	510,000	20

5X (5TIMES) symbol = Win 5 times the prize shown under it.
 20X (20TIMES) symbol = Win 20 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 20X The Money '09 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 20X The Money '09, prize money from winning Pennsylvania 20X The Money '09 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 20X The Money '09 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 20X The Money '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1427. Filed for public inspection August 7, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 23, 2009, and announced the following:

Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective July 22, 2009:

State Employees' Retirement Board #31-6: Special Rules of Administrative Practice and Procedure (amends 4 Pa. Code Chapter 250 and adds a new Section 250.2)

Action Taken—Regulations Approved:

Department of Health #10-180: Supplemental Nutrition Program for Women, Infants and Children (WIC Program) (amends 28 Pa. Code Chapters 1101—1113)

State Board of Pharmacy #16A-5418: Sales of Hypodermic Needles and Syringes (amends 49 Pa. Code § 27.18)

Pennsylvania Gaming Control Board #125-96: Revised Procedures (amends 58 Pa. Code Chapters 403a, 435a, 441a, 461a and 465a)

State Board of Education #6-317: Special Education Services and Programs—General Provisions (amends 22 Pa. Code § 14.102 (a)(2))

Department of Education #6-320: General Provisions and Supervision (amends 22 Pa. Code § 711.3 (b))

Approval Order

Public Meeting held
July 23, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Nancy Sabol Frantz, Esq.; John F. Mizner, Esq.

Department of Health—Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Regulation No. 10-180 (#2718)

On August 15, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapters 1101 to 1113. The proposed regulation was published in the August 30, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 4, 2009.

This regulation amends existing regulations governing the authorization and management of stores participating in the Special Supplemental Nutrition for Women, Infants and Children (WIC) Program.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. § 532(g), *implementing the Federal Child Nutrition and WIC Reauthorization Act of 2004*) and the intention of the

General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 23, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Nancy Sabol Frantz, Esq., Abstained; John F. Mizner, Esq.

State Board of Pharmacy—Sales of Hypodermic Needles and Syringes; Regulation No. 16A-5418 (#2625)

On August 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code § 27.18. The proposed regulation was published in the August 25, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 5, 2009.

This rulemaking eliminates the need for a prescription when a person buys hypodermic needles and syringes.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 390-4(j), 390-6(k)(1) and 390-6(k)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 23, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Nancy Sabol Frantz, Esq., Dis-senting; John F. Mizner, Esq.

Pennsylvania Gaming Control Board—Revised Procedure; Regulation No. 125-96 (#2739)

On January 13, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 403a, 435a, 441a, 461a and 465a. The proposed regulation was published in the January 24, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 3, 2009.

This regulation amends various provisions to correct errors, clarify requirements, and revise or add new requirements that reflect current practices.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30)) and the intention of the General Assembly.

Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 23, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Nancy Sabol Frantz, Esq.; John F. Mizner, Esq.

State Board of Education—Special Education Services and Programs—General Provisions; Regulation No. 6-317 (#2767)

On June 3, 2009, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code § 14.102 (a)(2). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking aligns the Commonwealth's regulations with the Federal Individuals With Disabilities Education Act and implementing regulations (34 CFR 300.1—300.818), as amended at 73 FR 73006—73029 (December 1, 2008).

We have determined this regulation is consistent with the statutory authority of the Board (24 P.S. §§ 13-1372(1) and 26-2603-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 23, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Nancy Sabol Frantz, Esq.; John F. Mizner, Esq.

Department of Education—General Provisions and Supervision; Regulation No. 6-320 (#2768)

On June 3, 2009, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Education (Department). This rulemaking amends 22 Pa. Code § 711.3(b). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking aligns the Commonwealth's regulations with the Federal Individuals With Disabilities Education Act and implementing regulations (34 CFR 300.1—300.818), as amended at 73 FR 73006—73029 (December 1, 2008).

We have determined this regulation is consistent with the statutory authority of the Department (24 P.S. §§ 17-1732-A(c)(2) and 17-1749-A(b)(8)) and the intention of the General Assembly. Having considered all of the

other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1428. Filed for public inspection August 7, 2009, 9:00 a.m.]

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.

Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
14-510	Department of Public Welfare Payment for Burial and Cremation	7/28/09	9/3/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1429. Filed for public inspection August 7, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Alisa Kearney; Hearing

Appeal of Alisa Kearney under 40 P.S. §§ 991.2101—991.2193; Keystone Health Plan West, Inc.; Doc. No. HC09-07-017

Under 40 P.S. §§ 991.2101—991.2193, notice is given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on September 1, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 28, 2009. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 17, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 31, 2009.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1430. Filed for public inspection August 7, 2009, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Curwensville Nursing Home, Inc.

Curwensville Nursing Home, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Ridgeview Elder Care Rehabilitation Center in Curwensville, PA. The initial filing was received on July 28, 2009, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of 1984 (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1431. Filed for public inspection August 7, 2009, 9:00 a.m.]

Health Maintenance Organization Certificate of Authority; Application filed by Aetna Better Health, Inc.

Notice is given that on June 17, 2008, Aetna Better Health, Inc., filed an application with the Departments of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the provisions of the HMO Act (40 P. S. §§ 1551—1567), Department of Health HMO Regulations (28 Pa. Code §§ 9.1—9.97) and the Department of Insurance HMO Regulations (31 Pa. Code §§ 301.1—301-204).

The proposed service area of the applicant Bucks, Chester, Delaware, Montgomery, Philadelphia, Adams, Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, Perry and York Counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health
Bureau of Managed Care
Room 912, Health and
Welfare Building
Harrisburg, PA 17109-0900
(717) 787-5193

Insurance Department
1345 Strawberry Square
Harrisburg, PA 17120
(717) 787-2735

Interested parties are invited to submit written comments to William Wiegmann, Department of Health (DOH) or Robert Brackbill of the Insurance Department (Department) at the previously listed addresses.

Persons wish to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability may submit information and comments through alternative formats, such as audio tape, Braille or using the DOH's TDD (717) 783-6514. Persons with a disability requesting alternative forms may contact William Wiegmann so the DOH may accommodate their needs.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1432. Filed for public inspection August 7, 2009, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Jeremy and Janel Aungst; file no. 09-188-73079; Erie Insurance Company; Doc. No. P09-07-022; September 17, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order

resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1433. Filed for public inspection August 7, 2009, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Butler County, Office Space #8134 (Relocation), Cranberry, PA

Lease expires: 90-Day Status since April 1, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500—3,000 net useable square feet of existing retail commercial space for use of an office. Space should be in proximity to the Turnpike Interchange with Interstate 79/Route 19 and provide free parking in Cranberry Township, Cranberry, PA.

Proposals due: August 28, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 158 Purity Road, Suite B, Pittsburgh, PA 15235-4441
Contact: George D. Danis, (412) 723-0124

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 09-1434. Filed for public inspection August 7, 2009, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Application for the Volunteer Fire Company and Volunteer Ambulance Services Grant Program

This notice provides information about the Volunteer Fire Company and Volunteer Ambulance Services Grant Program (Program). Volunteer fire companies and volunteer ambulance services seeking grants under the Program must submit completed applications no later than 4 p.m. on October 23, 2009. Written instructions and guidelines for the Program will be available online at the Office

of State Fire Commissioner (Commissioner) web site <http://www.osfc.state.pa.us> no later than September 1, 2009. Grant applications will be available online at the Commissioner web site <http://www.osfc.state.pa.us> no later than September 8, 2009.

This notice is provided in accordance with the Volunteer Fire Company and Volunteer Ambulance Service Grant Program Act (35 P.S. §§ 6941.101—6941.902).

EDWARD MANN,
State Fire Commissioner

[Pa.B. Doc. No. 09-1435. Filed for public inspection August 7, 2009, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM

Request for Proposal

The Pennsylvania Municipal Retirement System will accept proposals for RFP 2009-1, Investment Consulting and Performance Measurement Services, until 3 p.m. on October 1, 2009. The Request for Proposal will be available on August 14, 2009, in pdf format and can be accessed and downloaded from our web site: www.pMrs.state.pa.us. The Agency Project Manager is Reynold Witmer, who may be contacted at (717) 787-2065 or rwitmer@state.pa.us.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 09-1436. Filed for public inspection August 7, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Delegation of Additional Authority to Cancel Motor Carrier Certificates for Certain Uncontested Violations; Doc. No. M-2009-2115071

The Pennsylvania Public Utility Commission (Commission) at its July 23, 2009, public meeting delegated additional routine ministerial and nonpolicymaking matters to its staff for disposition. In particular, the Commission adopted the Law Bureau's recommendation to delegate authority to the Bureau of Transportation and Safety (BTS) to cancel motor carrier certificates for the following two types of uncontested violations: (1) a failure to provide evidence of insurance; and (2) abandonment or discontinuance of service.

Accordingly, BTS will address these matters by Secretarial Letter. The staff's action may be appealed to the Commission by filing a petition within 20 days after service of notice of the action, unless a different time period is specified. See 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff).

The contact person for this matter is Stephanie M. Wimer, Assistant Counsel, Law Bureau at (717) 772-8839.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1437. Filed for public inspection August 7, 2009, 9:00 a.m.]

Order

Public Meeting held
July 23, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*Guidelines for Waiver of the Call Recording
Prohibition at 52 Pa. Code § 63.137(2); Pending
Rulemaking; Doc. No. M-2008-2074891*

Order

By the Commission:

By tentative order entered November 20, 2008, the Commission proposed terms and conditions for jurisdictional telecommunications companies to qualify for temporary partial waivers of 52 Pa. Code § 63.137(2). Such waivers, similar to waivers previously granted to several local exchange carriers (LECs), would allow telecommunications utilities to record, for training and quality of service purposes, customer calls to their call centers. The tentative order sought comments on the Commission's proposal for a uniform, efficient, and lawful process to request, review, and grant such waivers. This order now sets forth the process and conditions for obtaining such waivers.

Background

Currently, all "telephone companies"¹ except eight local exchange carriers (LECs) that have been granted partial waivers, are expressly prohibited by section 63.137(2) from recording telephone conversations with their customers. Section 63.137(2) was promulgated in an effort to balance customer privacy interests with the business interests of the telecommunications utilities.² To establish this balance, telecommunications call center supervisors are allowed to monitor communications between customers and service representatives through "live" or "real-time" listening in, but calls may not be recorded. Substantively, section 63.137(2) provides, in relevant part, as follows:

(2) *Service evaluation and monitoring.* The telephone company may evaluate and monitor those aspects of its operations, including customer communications, necessary for the provision of service to its customers.
The recording of conversations is prohibited.

(Emphasis added.) The remainder of section 63.137(2) explains, in several subparts, the types of service evaluation and monitoring of customer telephone calls a telecommunications company may perform in the provision of service to its customers. No jurisdictional utility industry outside the telecommunications industry is subject to similar customer or call-center call-recording prohibitions under our regulations.

¹ That is, to all jurisdictional telecommunications entities.

² The provisions of section 63.137(2) were issued pursuant to 66 Pa.C.S. §§ 501 and 1501, and were adopted July 24, 1992, effective September 23, 1992, 22 Pa.B. 3892.

By order entered on September 23, 2008, at Docket No. P-2008-2051138, we granted, in part, the petition of four D&E LECs for partial waiver of section 63.137(2).³ We had previously granted similar waivers to two Verizon LECs and two Full Service LECs.⁴ Specifically, the eight petitioning LECs received waivers allowing them to record, for training and quality of service purposes, customer calls to their call centers.

On November 20, 2008, we entered a final order soliciting comments on proposed guidelines for a blanket waiver in an attempt to avoid addressing such waiver requests on a piecemeal basis in the future. The final order proposed a process whereby a telecommunications company could petition the Commission for a one-year partial waiver of section 63.137(2) and up to two one-year extensions, subject to proposed uniform terms and conditions applicable to operations under the temporary partial waiver.

The Pennsylvania Telephone Association (PTA) filed the only comments. PTA specifically averred that "[b]y requiring that each company file a petition as stated in the Tentative Order, this Commission essentially continues its piecemeal review of such requests. Moreover, PTA avers that the filing of a petition is not consistent with the intent expressed in Commissioner Gardner's Motion to consider a 'blanket' waiver." (PTA at 2.) PTA suggested that the Commission reevaluate the requirement that telecommunications utilities be required to continue individually petitioning for waivers and extensions and that the Commission should handle this matter as it handled a similar matter in *Rulemaking re: Provision of Bundled Service Package Plans*, Docket No. L-00060179 (July 3, 2006), (*BSP Rulemaking Order*). In that matter, the Commission established conditions under which a blanket waiver was granted related to 52 Pa. Code § 64.21. Companies were required to agree to comply with the specific conditions in order to qualify for the automatic waiver. PTA states that "the same process should be followed here." (PTA at 4.)

PTA further averred that the proposed one-year time limit is "unreasonable and unnecessary" and that the proposed renewal process for two one-year extensions is "even more 'onerous' and 'cumbersome' than the existing individual waiver process. (PTA at 3-4.) PTA asserted that under its proposal, there would be no need to revisit the eight waivers already granted and that periodic status reporting would not be necessary. (PTA at 4.)

Discussion

The strikingly similar arguments presented by the eight petitioning LECs in support of their individual waiver requests, coupled with the differences in the specific features and permissions requested by the petitioning LECs, lead us to conclude that establishing terms and conditions for temporary partial waivers for call recording practices is reasonable until such time as this Commission can institute a generic rulemaking regarding the applicable regulation. Among other arguments related to improving customer service, the eight LECs noted, in support of their waiver requests, that "telephone companies" are the only class of jurisdictional utilities prohibited from recording calls for any purpose including train-

³ Buffalo Valley Telephone Company, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, and D & E Systems, Inc., were granted partial waivers of 52 Pa. Code § 63.137(2) at Docket No. P-2008-2051138 (September 23, 2008).

⁴ Verizon Pennsylvania, Inc. and Verizon North, Inc. (Verizon LECs) were granted partial waivers at Docket No. P-00072333 (December 20, 2007). Full Service Computing Co. and Full Service Network LP (Full Service LECs) were granted partial waivers at Docket No. P-2008-2020446 (May 5, 2008).

ing and measuring and improving service quality. Other utilities, as well as other businesses and this Commission, routinely record calls for service quality purposes within the bounds of applicable laws concerning wiretaps and trap and trace devices.

PTA's comments serve as a valid counterpoint to the proposal in the tentative order while also reinforcing the need for consistency throughout the industry. Recognizing merit in the assertions of PTA and consistent with the process we utilized in the *BSP Rulemaking Order*, we shall establish herein terms and conditions that will qualify for a temporary partial waiver of the call recording prohibition provision in section 63.137(2), rather than continue to address the concerns of telecommunications companies related to call recording for training and quality of service purposes in a piecemeal fashion.⁵

Before addressing the substance of a temporary partial waiver, we shall, however, address the procedural aspects. Section 63.53(e)⁶ of our regulations permits us to waive our regulations under certain circumstances and after notice to the affected parties. Pursuant to section 63.53(e), notice of a request for exemption must be provided to the persons who would be affected by the exemption. The tentative order provided notice to the public, in general, and to the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), and the Office of Trial Staff (OTS), in particular, of the proposal to adopt guidelines for terms and conditions for waivers of the call recording prohibition in our regulations applicable to telecommunications utilities. This order further provides notice of the temporary partial waiver. Finally, under the terms and conditions set forth herein, customers will be ensured the option of refusing to be recorded by requesting a call back from a service representative in which case any waiver of the section 63.137(2) call recording prohibition will not affect them because the call back will not be recorded. We shall also require the telecommunications companies that elect to operate pursuant to the temporary partial waiver established in this order to provide advance notice to their customers by bill inserts or equivalent method. Accordingly, we find that this constitutes reasonable notice under the circumstances.

Having addressed the question of notice, we shall now turn to the substance of the temporary partial waiver. On a going-forward basis, the following terms and conditions shall apply to companies wishing to record calls with customers for quality of service and training purposes.⁷ Jurisdictional telecommunications carriers seeking to record customer calls for service quality and training purposes are granted a temporary partial waiver of the Commission's regulation at 52 Pa. Code § 63.137(2) which prohibits the recording of customer calls subject to strict adherence to the following terms and conditions:

⁵ We issued a Secretarial letter on September 23, 2003, at *Compliance with 52 Pa. Code § 64.21 Separate Billing for Basic Service*, Docket No. M-00031747, to detail the conditions for operating under the section 64.21 blanket waiver. In this matter, this order, rather than a separate Secretarial letter, will establish the conditions under which jurisdictional telecommunications companies may elect to operate under the temporary partial waiver of section 63.137(2).

⁶ 52 Pa. Code § 63.53 (e) provides that:
If unreasonable hardship to a person or to a utility results from compliance within this subchapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this subchapter by the Commission will not preclude the altering or amending of the provisions in a manner consistent with applicable statutory procedures, nor will the adoption of this subchapter preclude the Commission from granting temporary exemptions in exceptional cases. A person or utility that files an application under this section shall provide notice to a person who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

⁷ Telephone companies may still petition individually for a partial temporary waiver of section 63.137(2).

- A carrier seeking to operate pursuant to this temporary partial waiver shall file notice with the Secretary of Commission, with a copy to the Commission's Bureau of Consumer Services, of its intent to do so prior to commencing such operations, giving at least 30 days notice to the Commission, and must also provide its customers with a bill insert (or make an equivalent customer contact) explaining the call recording process and the opt-out process to customers at least 30 days before commencing call recording operations;
- Customers calling a jurisdictional telecommunications company telephone number equipped to record customer calls must hear a prerecorded message to the effect that the call may be monitored or recorded for training or quality control purposes;
- The prerecorded message must advise callers that they have the option to discontinue the call and to request a call back from an unrecorded line and must also provide instructions on how to request a call back prior to any aspect of the call being recorded;
- Recorded telephone calls may be used solely for the purpose of training or measuring and improving service quality;
- Recorded calls must be erased after a 90-day (or shorter) retention period; and
- All other provisions of 52 Pa. Code 63.137 shall remain in full force and effect.

We have consistently rejected the use of the recorded calls for "evidentiary" purposes, and we shall continue to do so. We rejected that use, asserting that we believe that permitting calls taped under the mantle of training and quality service improvement purposes to be used for any evidentiary purpose may violate Pennsylvania's wiretapping law. Thus, none of the eight petitioning LECs that have been granted partial waivers of section 63.137(2) have been granted permission to use the recorded calls for evidentiary purposes. We see no reason to change our position herein on this matter in the context of establishing terms and conditions for temporary partial waivers. The Wiretap Act provides, in pertinent part, that:

It shall not be unlawful and no prior court approval shall be required under this chapter for:

* * * * *

(6) Personnel of any public utility to record telephone conversations with utility customers or the general public relating to receiving and dispatching of emergency and service calls provided there is, during such recording, a periodic warning which indicates to the parties to the conversation that the call is being recorded.

* * * * *

(15) The personnel of a business engaged in telephone marketing or telephone customer service by means of wire, oral or electronic communication to intercept such marketing or customer service communications where such interception is made for the sole purpose of training, quality control or monitoring by the business, provided that one party involved in the communications has consented to such intercept. Any communications recorded pursuant to this paragraph may only be used by the business for the purpose of training or quality control. Unless otherwise required by Federal or State law, communications recorded

pursuant to this paragraph shall be destroyed within one year from the date of recording.

18 Pa.C.S. § 5704(6) and (15). Accordingly, use of recorded customer calls is and will remain limited to training and quality control purposes, and the retention of recordings for “evidentiary” or other purposes is and will remain prohibited.⁸

We have also determined not to require periodic status reports on complaints regarding call recording as the vast majority of this information would be available through other sources such as pursuant to chapter 64 of our regulations or through the Commission’s informal and formal complaints processes.

Any carrier with a preexisting waiver that has not yet commenced actual recording of customer calls pursuant to that waiver may henceforth only commence call recording pursuant to these terms and conditions. Any carrier that has commenced call recording of customer calls without a previously granted specific waiver or pursuant to this order has twenty (20) days to come into compliance with this order or must discontinue call recording.

By establishing terms and conditions of a temporary partial waiver, we intend to minimize the risk of creating a disparity between the partial waivers previously granted (to the eight LECs) and any temporary partial waivers that would be granted subsequently to the establishment of such guidelines.

In granting the petition filed by the two Verizon, the two Full Service, and the four D&E LECs, we noted that a rulemaking proceeding may ultimately be appropriate in order to determine whether a revision to section 63.137(2) is necessary to address this issue on an industry-wide basis. Having established terms and conditions for a temporary partial waiver of section 63.137(2) at this docket, we shall take under consideration at another docket of the matter of opening a rulemaking to eliminate the call recording prohibition.

Conclusion

Under the totality of the circumstances, the Commission finds, pursuant to its authority under 66 Pa.C.S. § 501(a) and 66 Pa.C.S. § 3019(b)(2), that establishing terms and conditions under which telecommunications utilities may elect to operate under a temporary and partial waiver of the call recording prohibition at 52 Pa. Code § 63.137(2) is warranted. It is expressly noted that neither the establishment of terms and conditions for waivers nor the granting of a temporary partial waiver of section 63.137(2) would enlarge or limit, in any way, a jurisdictional utility’s obligations or a customer’s protections pursuant either to Pennsylvania’s *Wiretapping and Electronic Surveillance Control Act*, 18 Pa.C.S. §§ 5701—5704, or to any applicable federal statutes or regulations; *Therefore,*

It Is Ordered That:

1. Terms and conditions under which jurisdictional telecommunications utilities may operate under a temporary partial waiver of the call recording prohibition contained in 52 Pa. Code § 63.137(2) are hereby established, consistent with this order.

2. All other provisions of 52 Pa. Code § 63.137(2) remain in full force and effect.

3. Pending the final resolution of a rulemaking to address the call recording prohibition at 52 Pa. Code

⁸ This prohibition also prevents the use of recordings in informal complaint proceedings before the Commission.

§ 63.137(2), that prohibition is temporarily waived to the extent necessary to permit jurisdictional telecommunications companies to record calls for quality of service and training purposes, provided that the company agrees to the conditions set forth herein.

4. The contact persons for this order are Louise Fink Smith, Esq., Law Bureau, (717) 787-8866, finksmith@state.pa.us, Melissa Derr, Bureau of Fixed Utility Services, (717) 783-6171, mderr@state.pa.us, and Tawana Dean, Bureau of Consumer Services, (717) 772-0806, tadean@state.pa.us.

5. That this order be served on all jurisdictional telecommunication carriers and published in the *Pennsylvania Bulletin* upon entry.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1438. Filed for public inspection August 7, 2009, 9:00 a.m.]

Order

Public Meeting held
July 23, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzigrilli;
Wayne E. Gardner; Robert F. Powelson

Relief Plan for the 570 NPA;
Doc. No. P-2009-2117193

Order

By the Commission:

Introduction

On July 1, 2009, the North American Numbering Plan Administrator NeuStar, Inc. (NANPA), in its role as the neutral third-party NPA Relief Planner for Pennsylvania,¹ acting on behalf of the Pennsylvania telecommunications industry (industry) filed a petition with the Commission requesting approval of its plan for the 570 Numbering Plan Area (NPA or area code). According to the petition, the industry reached a consensus² to implement an all services distributed overlay for the geographic area covered by the 570 NPA which would create a new area code to service the area.

The Commission, therefore, is now faced with the decision of deciding what form of area code relief should be implemented and when the new area code must be added. Because we need input from consumers, the industry and other interested parties involved regarding this difficult decision, we will now direct that the consensus relief plan for the 570 NPA shall not be implemented at this time. Rather, the Commission will seek comments as outlined in Section III below and a decision on this issue will be rendered at a later date after we review said

¹ The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that when an area code is nearing exhaust, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

² A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. *CLC Principles and Procedures*, May 1998, at § 6.8.8.

comments. Further, while we are only seeking written comments at this time, this issue may be subject to future public input hearings.

Discussion

I. FCC Requirements Regarding Area Code Relief

The proliferation of new area codes is not the result of the unavailability of numbers for end-users. Rather, new area codes are needed when existing area codes exhaust their supply of NXX codes.³ When there are no more NXX codes available to assign to telephone companies, then new area codes need to be opened. The system for allocating numbering resources was designed in 1947 to accommodate a monopoly system. In recent years, however, a combination of several factors has created an unprecedented demand for NXX codes leading to the exhaust of existing area codes and the proliferation of new area codes to fill the void.

According to the Federal Communications Commission (FCC), which has plenary jurisdiction over numbering issues in the United States,⁴ the Commission must implement timely area code relief, i.e., add a new area code, when Pennsylvania's area codes are about to exhaust their supply of NXX codes.⁵ Pursuant to FCC regulations, new area codes can be introduced to relieve the shortage of NXX codes in an area code through the use of any of the following three methods.

1. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
2. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;
3. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code. 47 CFR 52.19(c)(1)—(3).

Although the NANPA notifies the industry when an area code needs relief planning and conducts the relief planning meeting, it is a neutral third-party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

II. Relief Planning for the 570 NPA

A. History of the 570 NPA

Between 1940 and 1990, Pennsylvania had a total of only four area codes (412, 814, 717 and 215). On June 28, 1996, the telecommunications industry asked the Commission to decide how to relieve the shortage of numbering resources in the 717 NPA because the industry could not reach a consensus. Therefore, the Commission opened a docket at P-00961071 that ultimately led to the creation of the 570 NPA on May 21, 1998. The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999. The geographic area covered by the 570 NPA is comprised of 21 north-central counties and includes the cities of Williamsport, Wilkes-Barre, Scranton,

and Stroudsburg. At the time it was created, the 570 NPA was projected to contain enough numbering resources for almost six years.

Nevertheless, on May 4, 2000, not quite a year after activation of the 570 NPA, the industry was notified by the NANPA that relief planning was necessary. According to the NANPA, the projected exhaust date of 570 area code was now the first quarter of 2002. At the 570 NPA Relief Industry Meeting held on June 1, 2000, members from various ILECs, CLECs, wireless companies, the Office of Consumer Advocate, and the Commission were present. The NANPA proposed three relief alternatives to alleviate the situation in the 570 NPA. After discussion of these three alternatives, the industry reached a consensus to adopt an all services distributed overlay as the form of relief for the 570 NPA with implementation of this overlay to begin on October 2, 2000. Pursuant to the plan, all existing customers in the 570 NPA would retain their 570 area code and would not be required to change their telephone numbers. Consistent with FCC regulations, the industry reached a consensus to implement a 10-digit dialing plan both within and between the existing NPA and the overlay NPA.

On July 19, 2000, NeuStar, as the neutral third-party NPA Relief Planner for Pennsylvania, acting on behalf of the Pennsylvania telecommunications industry, filed a petition with the Commission requesting approval of its relief plan to implement an overlay for the geographic area covered by the 570 area code. On September 15, 2000, the Commission entered a Tentative Order at the previously captioned docket seeking comments from interested parties regarding what type of relief should be implemented in the 570 NPA and when this relief should be implemented. The Commission received comments from interested parties. Because several of these commentators requested that the Commission schedule public input hearings to further discuss area code relief in the 570 NPA, we conducted four public input hearings on December 18, 2000, in Wilkes-Barre and December 19, 2000, in Williamsport.⁶

In the meantime, since holding these public input hearings, the Commission had implemented various number conservation measures in the 570 NPA, such as thousands-block (1K) number pooling⁷ and NXX code reclamation.⁸ Furthermore, the FCC mandated that all wireless carriers participate in pooling as of November 24, 2002.⁹ Thus, wireless carriers began participating in Pennsylvania's mandatory pools, including the pool in 570.

Accordingly, by Order entered July 17, 2003, the Commission concluded that the data on which the 570 relief

⁶ During these hearings, the Commission received testimony from State Representative Keith McCall, State Representative John T. Yudichak, Craig Rickard, Vincent Matteo, Howard Grossman, Mark Rutkowski, Henry O'Dell, David Hines, Ambrose Meletsky, Bill Kuklewicz, Mayor Thomas McCroarty, Jerry S. Walls, Allen Kaplin, Anthony Rampulla and Michael Ochs. Transcripts from these hearings were filed with the Commission on December 26, 2000, and January 3, 2001.

In addition to the testimony, the Commission received as exhibits letters from the following: R. Neil Henrie and Cora Maie Henrie, senior citizens from the Bloomsburg area; Representative John R. Gordner, State Representative from the 109th Legislative District; Ronald F. Kozma, Director of Columbia County Department of Public Safety; Natalie Duy, a citizen from Danville; Ed Edwards, President of the Bloomsburg Area Chamber of Commerce; Maureen E. Savitsky, a citizen from Danville; Crystal J. Fink, a citizen from Wilkes-Barre; and Gregory and Deborah Lutz, citizens from Mifflinville. Subsequently, other written comments were received by the Commission and filed in this docket. These comments were from State Senator Lisa Boscola, the Milton Area Chamber of Commerce and the Pocono Mountain Vacation Bureau.

⁷ Mandatory 1,000-block pooling was implemented in February 2002.

⁸ See *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000). The Commission implemented NXX code reclamation in the 570 NPA in August 2000.

⁹ In *The Matter of Verizon Wireless' Petition For Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability*, WT Docket 01-84, CC Docket No. 95-116 (Order adopted July 16, 2002).

³ Telephone numbers consist of 10 digits. The first three digits make up the area code, and the second three digits make up the NXX code. Each NXX code contains 10,000 numbers and each area code contains approximately 792 NXX codes.

⁴ 47 U.S.C. § 251(e)(1).

⁵ See *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 190029 (1998).

plan had been filed was outdated and that the various number conservation measures that had been implemented had resulted in more numbers becoming available in the 570 area code. Consequently, the Commission determined that adequate numbering resources existed for carriers to receive numbers in a timely fashion and we believed that there was good cause to dismiss the industry's petition for approval of its relief plan in the 570 NPA.¹⁰ Moreover, after taking into account the effects of the number conservation measures, the projected exhaust date for the 570 NPA was extended to the third quarter of 2008.

B. Relief Planning Meeting for the 570 NPA

On March 30, 2009, the NANPA notified the Industry and the Commission that it needed to meet to discuss relief alternatives for the 570 NPA. According to the April Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis April 24, 2009 Update (2009 NRUF Report),¹¹ the 570 NPA is projected to exhaust all available NXX codes during the third quarter 2011. The 570 NPA was declared to be in jeopardy on April 1, 2009.

The Industry met via conference call May 27, 2009 to discuss various relief alternatives proposed by the NANPA. The NANPA proposed four relief alternatives to alleviate the situation in the 570 NPA. The following relief alternatives are detailed below and set forth in the attached "Appendix A."

1. Alternative #1—All Services Distributed Overlay: A new NPA code would be assigned to the same geographic area as the existing 570 NPA. Alternative #1 has a projected life of 16 years.
2. Alternative #2—Two-Way Geographic Split: In a two-way geographic split, the exhausting NPA is split into two geographic areas and a new NPA is assigned to one of the areas formed by the split. For Alternative #2, the proposed split boundary line runs east to west along rate center boundaries placing Morris, Estella, Sweet Valley, Pittston and Pocono Lake among those rate centers north of the boundary line and Renovo, Trout Run, Laporte, Muhlenburg and Wilkes-Barre among the rate centers south of the boundary line. The area north of the split line, referred to in the IPD as Area A, would have a projected NPA life of 16 years to exhaust and the

¹⁰ See *INC Guidelines* at § 5.10. A relief plan may be withdrawn while the plan is pending, if it is determined that the projected exhaust date is more than 5 years away.
¹¹ Federal rules that went into effect on July 17, 2000, require all carriers to report to the NANPA their historical and forecast utilization data. 47 CFR 52.15(f). These reports are made semi-annually and are referred to as the "NRUF Reports." Using this data along with the rate of assignment of NXX codes in the NPA, the NANPA predicts the exhaust date for all NPAs in its NPA Exhaust Analysis. These reports can be found at www.nanpa.com.

area south of the split line, Area B, would have a projected NPA life of 16 years to exhaust.

3. Alternative #3—Two-Way Geographic Split: The proposed split boundary line runs north to south along rate center boundaries placing St. Joseph, Mehoopany, Plymouth, Nuangola and McAdoo among the rate centers west of the boundary line and Montrose, Nicholson, Moosic, Wilkes-Barre and Weatherly among the rate centers east of the boundary line. The western portion, Area A, would have a projected NPA life of 14 years to exhaust and the eastern portion, Area B, would have a projected NPA life of 20 years to exhaust.

4. Alternative #4—Two-Way Geographic Split: The proposed split boundary line runs diagonally from the northeast to the southeast along rate center boundaries placing Clifford, Center Moreland, Sweet Valley, Orangeville and Danville among the rate centers southeast of the boundary line and Brooklyn, Nicholson, Noxen, Benton and Washingtonville among the rate centers northwest of the boundary line. The northwestern portion, Area A, would have a projected NPA life of 18 years to exhaust and the southeastern portion, Area B, would have a projected NPA life of 15 years to exhaust.

C. Industry's Current Consensus to Recommend an Overlay

After discussing the four relief alternatives presented at the May 27, 2009, meeting, the industry decided to recommend implementation of the all-services distributed overlay (Alternative #1). The industry reached a consensus to recommend Alternative #1 as the form of relief for the 570 NPA for several reasons. First, all existing customers in the 570 area code would not have to change their telephone numbers because an overlay does not require customers to change their telephone numbers or split communities of interest. Secondly, while the recommended relief plan would require 10-digit dialing for all calls within and between the 570 NPA and the new NPA, the industry noted that 10-digit dialing has become more prevalent nationwide and overlays, with 10-digit dialing, have been implemented in southeastern and western Pennsylvania. Thus, the industry recommended that all local and toll calls between the 570 NPA and the new NPA be dialed as 10-digits, or permissively as 1+10 digits at each service provider's discretion. Additionally, all local and toll calls originating in the 570 NPA or the new NPA and terminating in other NPAs (NPAs other than the 570 or new NPA) must be dialed as 1+10 digits. The following table illustrates the recommended dialing plan:

Recommended Overlay Dialing Plan for All Services Distributed Overlay

Type of Call	Call Terminating in	Dialing Plan
Local & Toll Calls	Overlay Home NPAs (HNPA)	10 digits (NPA-NXX-XXXX)*
Local & Toll Calls	Foreign NPA (FNPA) outside of overlay	1+10 digits (1+NPA-NXX-XXXX)
Operator Services Credit card, collect, third party	HNPA or FNPA	0+10 digits (0+NPA-NXX-XXXX)

* 1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider's discretion

III. Comments Sought By the Commission

The FCC has adamantly maintained that state commissions cannot engage in number conservation measures to the exclusion of, or as a substitute for, timely area code relief.¹² Therefore, when Pennsylvania's area codes are about to exhaust their supply of NXX codes, the Commission must implement timely area code relief, i.e., add a new area code. When faced with the need to implement new area codes, the Commission must decide two very important issues. First, the Commission must decide how to implement the new area code (i.e., a geographic split or an overlay). Second, the Commission must determine when the new area code needs to be implemented. Therefore, we are seeking comments from interested parties regarding what form of area code relief should be implemented upon exhaust of the 570 NPA and the timeframe for the implementation.

A. Form of Area Code Relief for the 570 NPA

According to the FCC, state commissions must add new area codes when the existing area codes exhaust or are about to exhaust all their NXX codes. Consequently, the critical element for deciding when to add new area codes is to know when the area code will exhaust all of its NXX codes. State commissions have no involvement in predicting or projecting the exhaust dates for area codes. The FCC has delegated this responsibility to the NANPA.

The NANPA projects exhaust dates for area codes by averaging the past rate of assignment of NXX codes and using that to estimate the future rate at which NXX codes will be assigned. Because these variables are so fluid, projecting accurate exhaust dates is difficult. With constantly changing information such as this, the Commission has a difficult time trying to determine when Pennsylvania's area codes will exhaust thereby requiring the addition of new area codes to ensure that all telecommunications carriers have numbering resources.

Once it is determined that area code relief must be necessary, based on the projected forecasts of the NANPA, state commissions are faced with the task of deciding what form that relief should take. The Commission is seeking comments on the five relief alternatives submitted by the NANPA to the industry and is open to suggestions regarding any other potential alternative for providing relief to the 570 NPA.

Pennsylvania has experienced both area code splits and overlays. There have been a total of five overlays since 1999 (484, 267 and 878 have been implemented and 835 and 445 were activated but later rescinded). Prior to 1999, three geographic splits have been implemented (610, 570, and 724). There are benefits and disadvantages to either method.

With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to change their advertising and stationery. However, the FCC requires that 10 digits be used to dial all numbers in the overlaid area when an overlay is implemented. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given rate center. Therefore, the first three digits of a 10-digit telephone number around the corner or down the block

might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business, if the existing carrier has run out of numbers in an NXX assigned to the old area code.

On the other hand, implementation of a geographic split involves dividing an existing area code into two or more parts, with one part retaining the old area code and other(s) receiving a new area code(s). Callers are presently able to continue using 7-digit dialing for calls made within the area code boundaries. Customers in the area retaining the old area code are minimally impacted. Customers in the new area code, however, must change their area codes. Businesses must revise their stationery and their advertising. Commercial customers may not be able to retain "vanity numbers," upon which they have spent advertising dollars. Callers, particularly at the border of the old and new area codes are temporarily inconvenienced. They often must dial 11 digits to make calls that were previously 7-digit numbers. Although local calling areas actually have not changed, and calls that were local before the area code split remain local calls, even if they cross into the new area code, people are initially disconcerted and distrusting of the concept of an eleven-digit local call. Indeed, local calling areas do not change no matter which method of area code relief is implemented.

Specifically, the Commission is interested in the specific circumstances of the 570 NPA and whether these circumstances favor the implementation of one form of relief over the other. We ask parties that are submitting comments to keep in mind the following factors when advocating a particular form of relief: 1) Whether the form of area code relief would create longer lasting NPAs for the 570 region; and 2) What form of area code relief is the least disruptive to consumers.

B. Implementation Schedule and Activation of the Relief Plan Chosen for the 570 NPA

While a state commission may not utilize numbering optimization measures in lieu of implementing timely area code relief, a state commission may minimize the consumer impact of traditional area code relief by not implementing new area codes sooner than necessary. Accordingly, we would like comments from interested parties on the time frame for when area code relief must be implemented and ultimately activated to relieve the 570 NPA. The current relief plan proposed by the industry allows 13 months for full implementation of an all services distributed overlay. According to this timeline, 6 months are devoted to network preparation, 6 months are devoted to "permissive" 10-digit dialing, and 1 month is devoted to "mandatory" 10-digit dialing. The Commission's experience with area code overlays is that they can be fully implemented within 6 months. Consequently, the Commission seeks comment on whether a 13-month timeline is really necessary for implementation of an overlay for the 570 NPA.

We also seek comment on the following questions regarding implementation of a split to relieve the 570 NPA. What is the shortest amount of time this type of relief can be implemented? Would a 6-month time frame for implementation of a split be feasible? What aspect of implementing a split is the most significant for the industry and how long does this take to complete?

¹² *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000).

Also, in Southeastern Pennsylvania (610/484 and 215/267), the Commission had ordered that the additional proposed overlays (835 over 610/484 and 445 over 215/267) not be activated until 3 months prior to total exhaust of the underlying NPAs. Is a similar situation possible for the 570 NPA? More specifically, could the industry undertake to implement an overlay for the 570 NPA but not actually activate that new overlay NPA until total exhaust of the 570 NPA? Could the requirement of 10-digit dialing be suspended until the new overlay NPA were fully activated?

Moreover, we recently filed a petition with the FCC requesting additional delegated authority so that we could implement mandatory number pooling throughout each and every rate center within our NPAs. We believe that if the petition is granted by the FCC, it will add to the number of NXX codes available for assignment in our NPAs, particularly our more geographically rural NPAs, like the 570 NPA. We also believe that this may impact the implementation schedule for any new area code in the 570 NPA.

Conclusion

The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is as

minimal as possible. In view of the well-documented disruption to customers caused by changes in their area code, it is in the public interest for us to seek comments from consumers, the industry and other interested parties involved regarding this difficult decision; *Therefore,*

It Is Ordered That:

1. The industry consensus recommendation set forth in the petition for an all services distributed overlay relief plan for the 570 NPA is denied, pending receipt of comments and any further proceedings, as necessary.

2. Comments, as requested by this Order, be filed with the Commission no later than 30 days after this Order is published in the *Pennsylvania Bulletin*. Reply comments may be filed within 20 days after the close of the comment period.

3. A copy of this order shall be served on all jurisdictional telecommunications carriers, wireless carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, and Wayne Milby and Beth Sprague of the North American Numbering Plan Administrator.

4. A copy of this order shall be published both in the *Pennsylvania Bulletin* and on the Commission's web site.

JAMES J. MCNULTY,
Secretary

APPENDIX A

570 NPA - RELIEF ALTERNATIVES

PENNSYLVANIA

Numbering Plan Area Born on Date: December 5, 1998

NPA RELIEF PLANING TOOL ASSUMPTIONS

NRUF DATE.....	April 2009
PROJECTED EXHAUST DATE.....	3Q2011
ANNUALIZED CODE DEMAND PROJECTION.....	48
MONTHLY CO CODE DEMAND PROJECTION.....	4.0
LOCAL EXCHANGE ROUTING GUIDE DATA.....	April 2009

NPA RELIEF ALTERNATIVES

OVERLAY ALTERNATIVE

ALTERNATIVE #1 – ALL SERVICES DISTRIBUTED OVERLAY

A new NPA code would be assigned to the same geographic area occupied by the existing 570 NPA. Customers would retain their current telephone numbers; however, ten-digit local dialing by all customers within and between NPAs in the affected area would be required. Codes in the overlay NPA will be assigned upon request with the effective date of the new area code. At exhaust of the 570 NPA all future code assignments will be made in the overlay area code.

Total CO Codes = 725
Total rate centers = 180
Area Code Life in Years = 16

NPA SPLIT ALTERNATIVES

The exhausting NPA is split into two or more geographic areas and a new NPA is assigned to one of the areas formed by the split. All split plans would require ten-digit dialing between NPAs in the same extended local calling area. Within an NPA, seven-digit dialing would be permitted.

ALTERNATIVE #2 – NPA SPLIT

The proposed split boundary line runs east-to-west along rate center boundaries where Morris, Estella, Sweet Valley, Pittston and Pocono Lake are some of the rate centers north of the boundary line and Renovo, Trout Run, Laporte, Muhlenburg and Wilkes-Barre are among the rate centers south of the boundary line..

AREA "A"
Total CO Codes = 361
Total rate centers = 94
Area Code Life in Years = 16

AREA "B"
Total CO Codes = 364
Total rate centers = 86
Area Code Life in Years = 16

570 NPA - RELIEF ALTERNATIVES

ALTERNATIVE #3 – NPA SPLIT

The proposed split boundary line runs north-to-south along rate center boundaries where St. Joseph, Mehoopany, Plymouth, Nuangola and McAdoo are some of the rate centers west of the boundary line and Montrose, Nicholson, Moosic, Wilkes-Barre and Weatherly are among the rate centers east of the boundary line.

AREA “A”

Total CO Codes = 398
 Total rate centers = 113
 Area Code Life in Years = 14

AREA “B”

Total CO Codes = 327
 Total rate centers = 67
 Area Code Life in Years = 20

ALTERNATIVE #4 – NPA SPLIT

The proposed split boundary line runs on a diagonal path from the northeast to the southeast along rate center boundaries where Clifford, Center Moreland, Sweet Valley, Orangeville and Danville are some of the rate centers southeast of the boundary line and Brooklyn, Nicholson, Noxen, Benton, and Washingtonville are among the rate centers northwest of the boundary line.

AREA “A”

Total CO Codes = 342
 Total rate centers = 112
 Area Code Life in Years = 18

AREA “B”

Total CO Codes = 383
 Total rate centers = 68
 Area Code Life in Years = 15

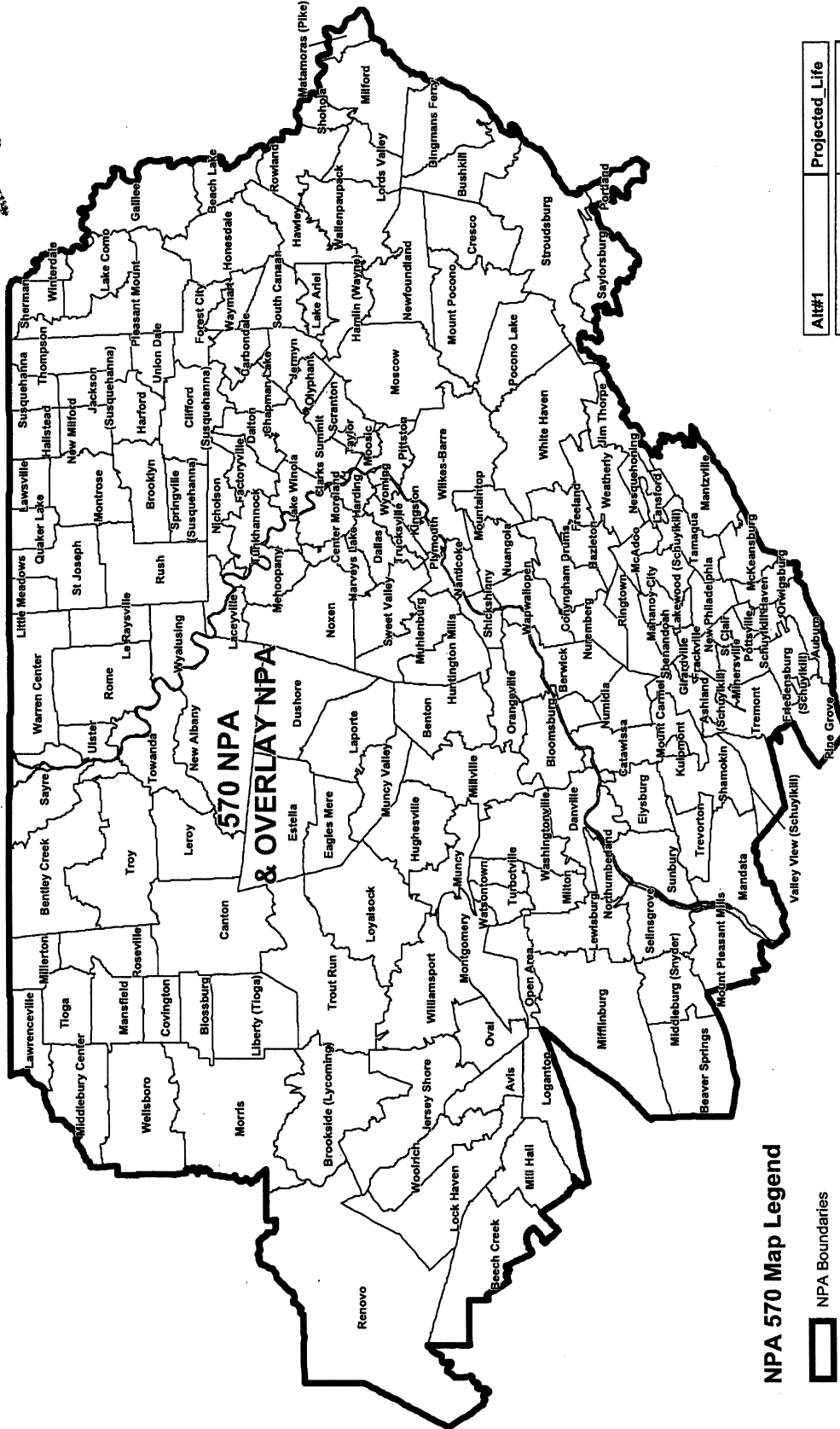
570 – RELIEF ALTERNATIVES**PENNSYLVANIA****PROJECTED LIVES OF RELIEF ALTERNATIVES
IN YEARS**

Alternative	Area A	Area B	Overlay
#1	-	-	16
#2	16	16	-
#3	14	20	-
#4	18	15	





**ALTERNATIVE #1
ALL SERVICES DISTRIBUTED OVERLAY**

NPA 570 Rate Center Map



NPA 570 Map Legend

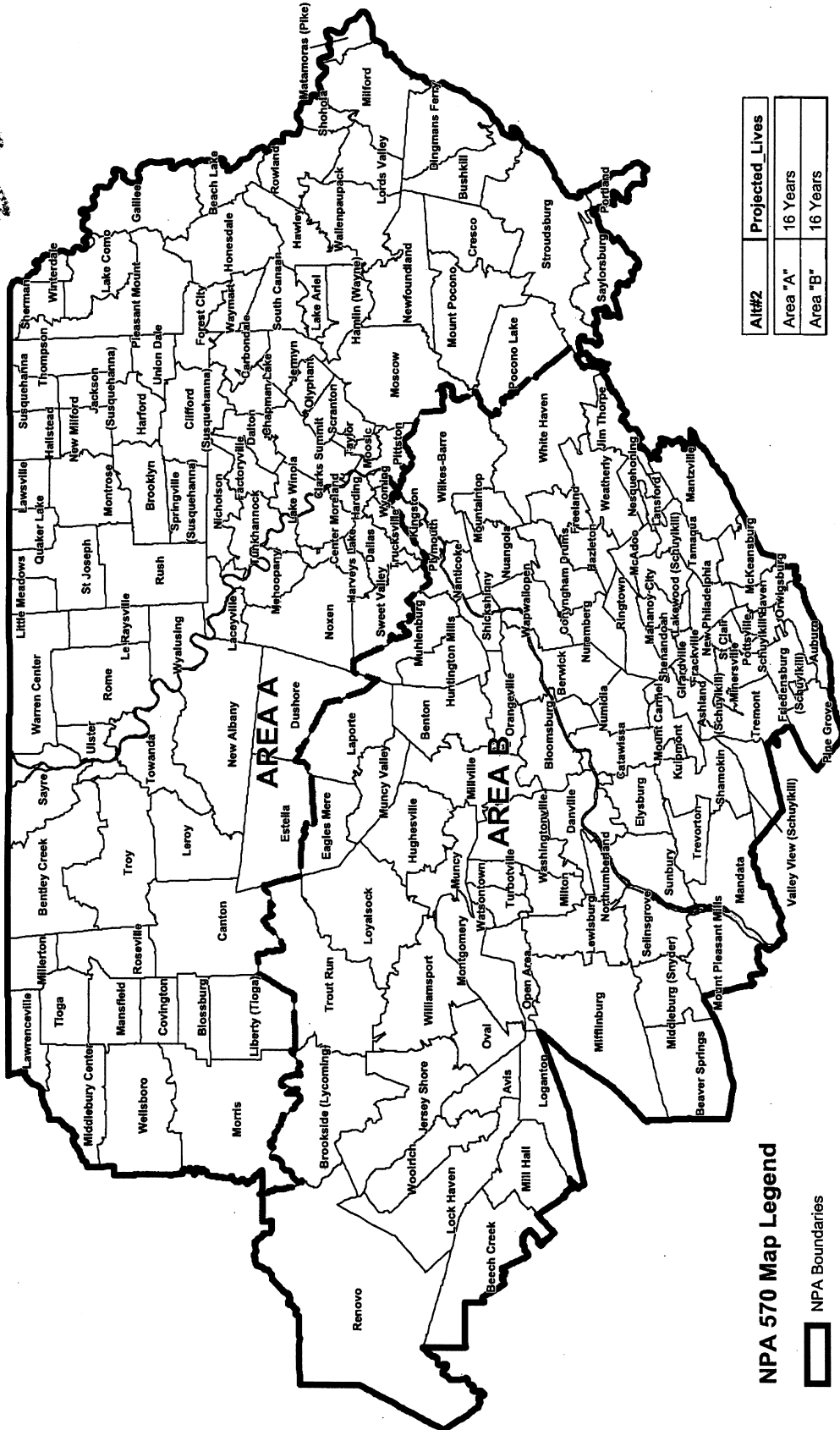
-  NPA Boundaries
-  Rate Center Boundaries

Produced by CDS Business Mapping, LLC 05/2009



**ALTERNATIVE #2
NPA SPLIT**

NPA 570 Rate Center Map

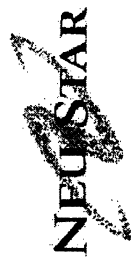
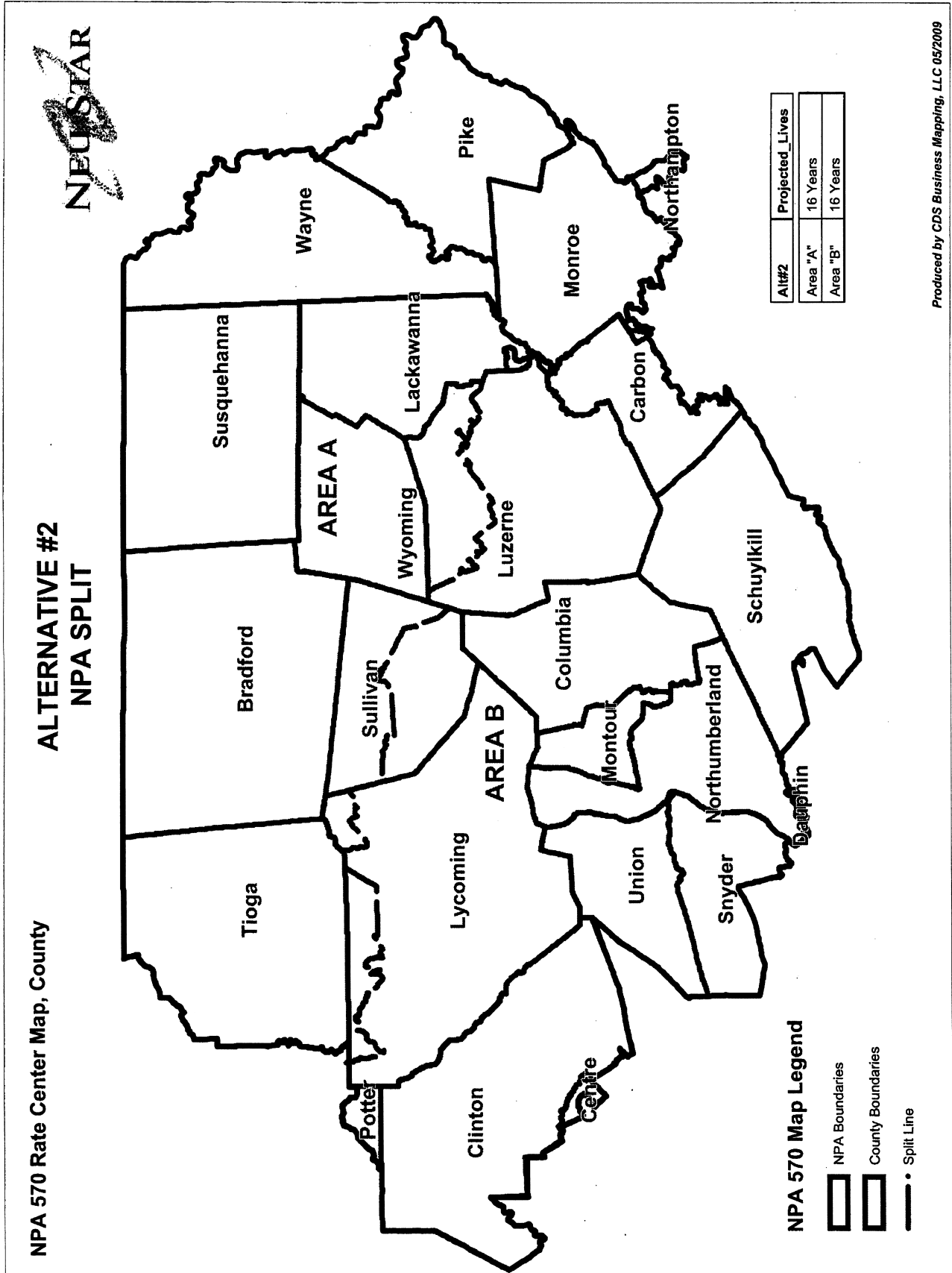


Alt#2	Projected Lives
Area "A"	16 Years
Area "B"	16 Years

NPA 570 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

Produced by CDS Business Mapping, LLC 05/2009

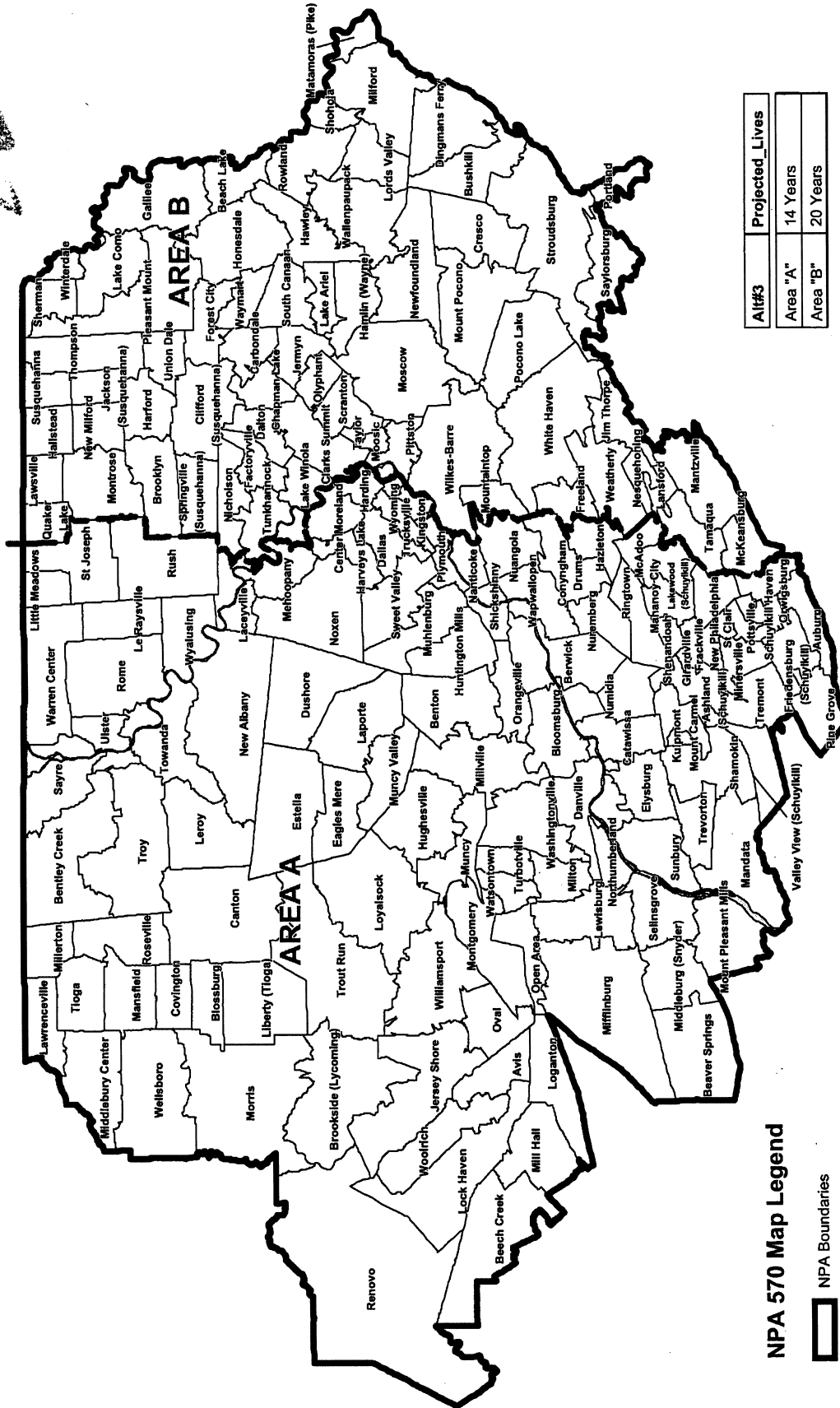


Produced by CDS Business Mapping, LLC 05/2009



**ALTERNATIVE #3
NPA SPLIT**

NPA 570 Rate Center Map

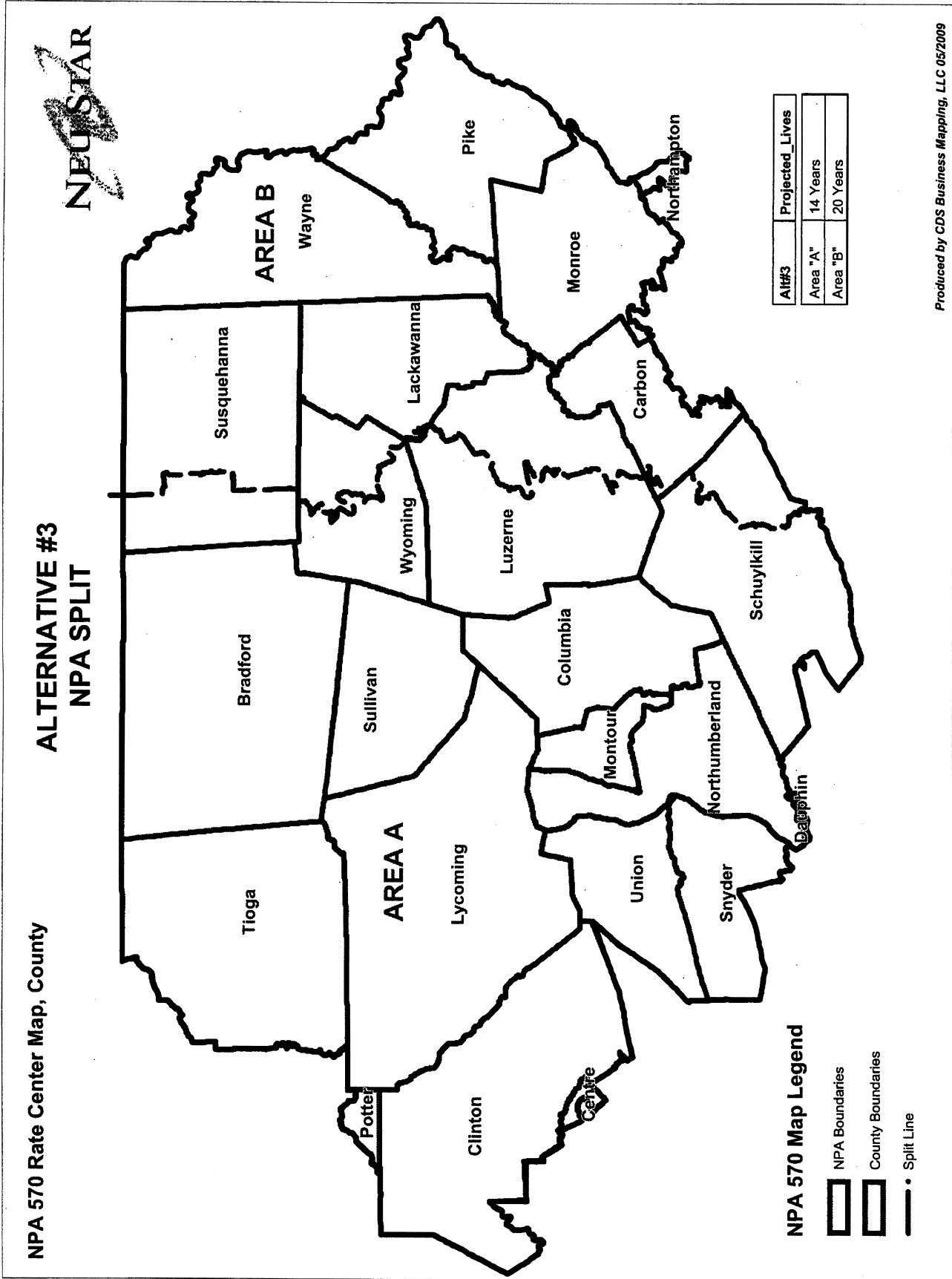


Alt#3	Projected Lives
Area "A"	14 Years
Area "B"	20 Years

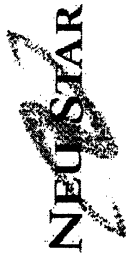
NPA 570 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

Produced by CDS Business Mapping, LLC 05/2009

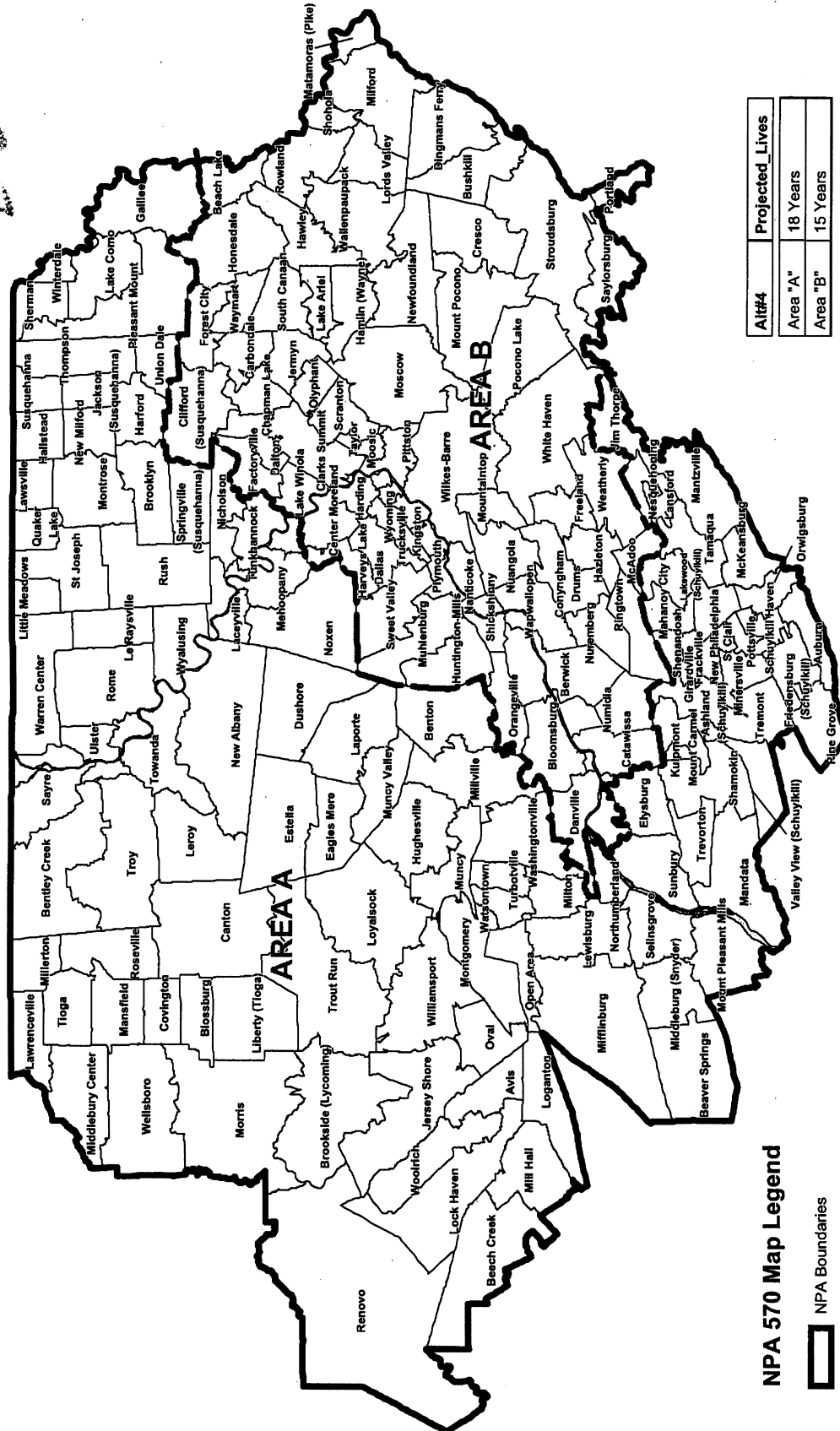


Produced by CDS Business Mapping, LLC 05/2009

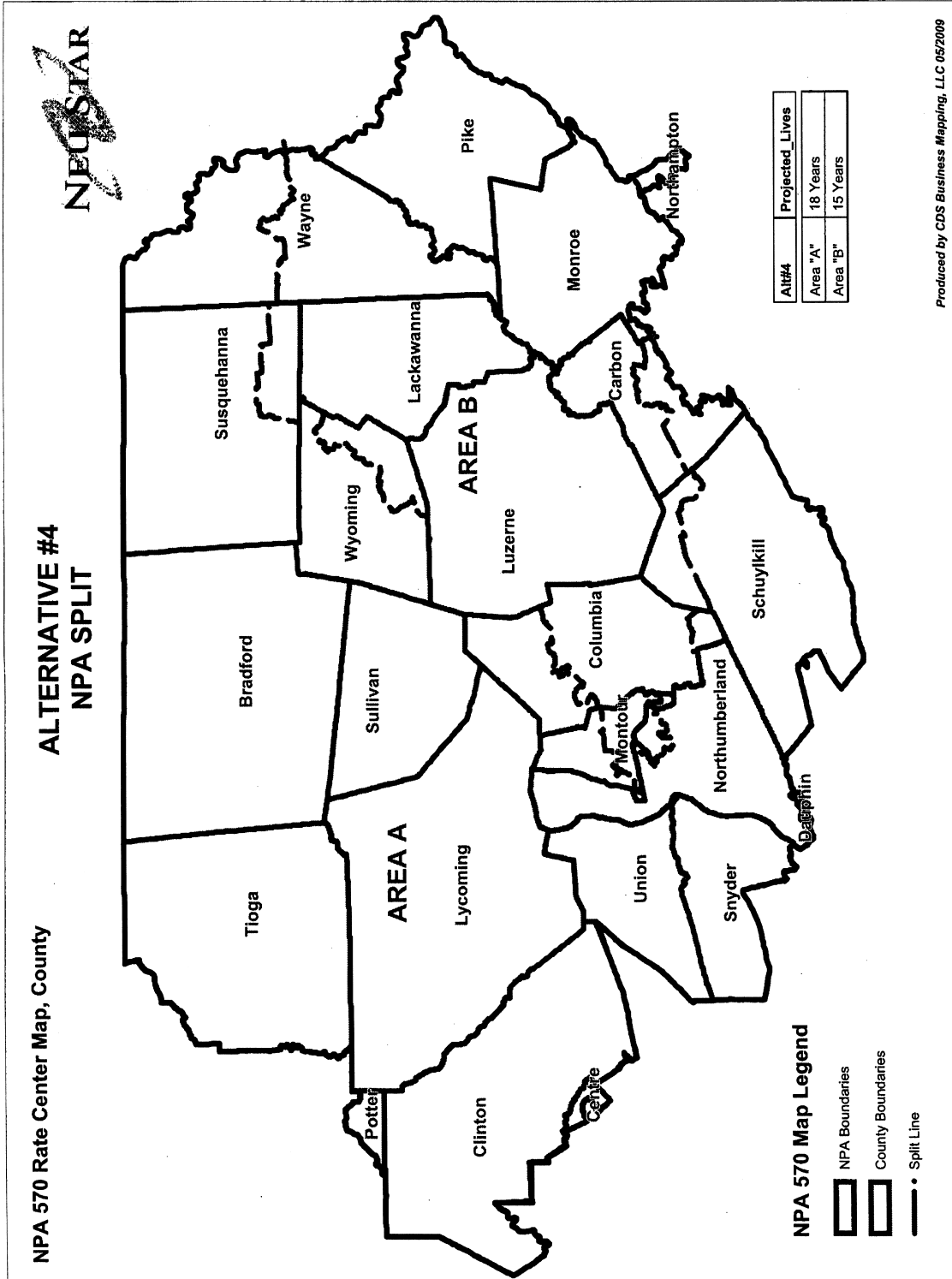


**ALTERNATIVE #4
NPA SPLIT**

NPA 570 Rate Center Map



Produced by CDS Business Mapping, LLC 05/2009



Produced by CDS Business Mapping, LLC 05/2009

[Pa.B. Doc. No. 09-1439. Filed for public inspection August 7, 2009, 9:00 a.m.]

Order

Public Meeting held
July 23, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyronne J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*Relief Plan for the 814 NPA;
Doc No. P-2009-2112925*

Order

By The Commission:

Introduction

On June 9, 2009, the North American Numbering Plan Administrator (NANPA),¹ NeuStar, Inc., in its role as the neutral third-party NPA Relief Planner for Pennsylvania, acting on behalf of the Pennsylvania telecommunications industry (industry) filed a petition with the Commission requesting approval of its plan to alleviate numbering exhaust for the 814 Numbering Plan Area (NPA or area code). According to the petition, the industry reached a consensus² to implement an all services distributed overlay for the geographic area covered by the 814 NPA which would create a new area code to service the area.

The Federal Communications Commission (FCC), which has plenary jurisdiction over numbering issues in the United States,³ mandates that states must implement timely area code relief, i.e., add a new area code, when the area codes within their boundaries are about to exhaust their supply of NXX codes.⁴ The Commission, therefore, is now faced with the decision of deciding when a new area code must be added and in what form that area code should be added. Because we need input from consumers, the industry and other interested parties involved regarding this difficult decision, we will now direct that the consensus relief plan for the 814 NPA shall not be implemented at this time. Rather, the Commission will seek comments as outlined in Section III below and a decision on this issue will be rendered at a later date once we review said comments. Further, while we are only seeking written comments at this time, this issue also may be subject to future public input hearings.

Discussion

I. FCC Requirements Regarding Area Code Relief

The proliferation of new area codes is not the result of the unavailability of numbers for end-users. Rather, new area codes are needed when existing area codes exhaust their supply of NXX codes.⁵ When there are no more NXX codes available to assign to telephone companies, then new area codes need to be opened. The system for

allocating numbering resources was designed in 1947 to accommodate a monopoly system. In recent years, however, a combination of several factors has created an unprecedented demand for NXX codes leading to the exhaust of existing area codes and the proliferation of new area codes to fill the void.

According to FCC regulations, new area codes can be introduced to relieve the shortage of NXX codes in an area code through the use of any of the following three methods:

1. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
2. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;
3. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code.

See 47 CFR 52.19(c)(1)–(3).

Although the NANPA notifies the industry when an area code needs relief planning and conducts the relief planning meeting, it is a neutral third-party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

II. NANPA's NPA Relief Planning for the 814 NPA

A. The Relief Planning Meeting for the 814 NPA

Between 1940 and 1990, Pennsylvania had a total of only four area codes (412, 814, 717 and 215). The 814 area code is one of Pennsylvania's original four area codes. Today, Pennsylvania has ten active area codes (215, 610,⁶ 267, 484,⁷ 717, 570,⁸ 412, 724,⁹ 878,¹⁰ and 814).

Relief Planning for the 814 area code initially began in 2002 when the 2001 NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis June 1, 2001, Update (2001 NRUF Report) indicated that the 814 NPA would exhaust during the first quarter of 2005. Due to the projected exhaust date, NANPA notified the Commission and the Industry on January 23, 2002, that NPA relief needed to be addressed. The Industry met on March 21, 2002, in Pittsburgh, Pennsylvania, to discuss various relief alternatives. Pursuant to the NPA Relief Planning Guidelines, NANPA distributed an Initial Planning Document (IPD) to the Industry prior to the relief planning meeting. The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of three two-way geographic split alternatives, referred to in the IPD as Alternatives #1, #2 and #5, an all-services distributed overlay relief alternative, referred to as Alternative #3 and, a technology specific overlay, referred to as

⁶ In 1994, the original 215 NPA in southeastern Pennsylvania was geographically split and the 610 NPA was introduced.

⁷ By Order entered May 21, 1998, Docket No. P-00961061, the Commission directed that the 215 and 610 NPAs, or area codes, in the southeastern portion of this Commonwealth receive individual overlay NPAs so as to address the prevailing NXX code shortage problem. The 215 NPA received the 267 overlay NPA and the 610 NPA received the 484 overlay NPA.

⁸ The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999.

⁹ By Order entered July 15, 1997, at P-00961027, the Commission directed that the original 412 NPA in western Pennsylvania be geographically split with the new 724 NPA. The Pittsburgh metropolitan area would retain the 412 NPA with the surrounding communities transferring to the new 724 NPA. The new 724 NPA was activated on February 1, 1998.

¹⁰ The 412 NPA was declared to be in jeopardy on October of 1999, by the NANPA. On January 19, 2000, an industry consensus was reached to institute an all services multiple overlay. Therefore, on August 17, 2001, the 878 NPA was activated and overlays both the 412 and the 724 geographic areas.

¹ The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that when an area code is nearing exhaust, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

² A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. *CLC Principles and Procedures*, May 1998, at § 6.8.8.

³ 47 U.S.C. § 251(e)(1).

⁴ See *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Red 190029 (1998).

⁵ Telephone numbers consist of 10 digits. The first three digits make up the area code, and the second three digits make up the NXX code. Each NXX code contains 10,000 numbers and each area code contains approximately 792 NXX codes.

Alternative #4. Geographic split Alternative #5 was proposed by the Pennsylvania Office of Consumer Advocate and the technology specific overlay was proposed by Commission staff prior to the distribution of the IPD to the Industry.

During the relief planning meeting, the Industry members evaluated the five relief alternatives, described more fully below and set forth in Appendix "A:"

- **Alternative #1—Two-Way Geographic Split:** The proposed split boundary line runs along rate center boundaries approximately following the county boundaries between Cambria and Clearfield and Centre and Clearfield. The line divides the 814 NPA into a proposed northern NPA, referred to as "Area A" in the IPD, and a proposed southern NPA, referred to as "Area B." The boundary runs south of Glen Campbell, Mahaffey, Coalport and Houtzdale. The line then turns north and runs east of Osceola Mills, Clearfield, Winburne and Frenchville. Area A would have a projected NPA life of 14 years to exhaust and Area B would have a projected NPA life of 28 years to exhaust.
- **Alternative #2—Two-Way Geographic Split:** The proposed split boundary line runs along rate center boundaries approximately to the east of Jefferson, Elk and McKean counties. The line divides the 814 NPA into a proposed southeastern NPA, referred to as "Area A," and a proposed northwestern NPA, referred to as "Area B." The boundary runs east of the Shinglehouse, Wilcox, Kersey, Dubois and Sykesville rate centers. Area A would have a projected NPA life of 18 years to exhaust and Area B would have a projected NPA life of 22 years to exhaust.
- **Alternative #3—All Services Distributed Overlay:** A new NPA code would be assigned to the same geographic area as the existing 814 NPA. Alternative #3 has a projected life of 20 years.

- **Alternative #4—Technology Specific Overlay:** Numbering resources in a technology specific overlay are assigned to service providers that use a particular type of technology.

- **Alternative #5—Two-Way Geographic Split:** The proposed split boundary line runs approximately along the boundary between the 924 and the 230 LATAs. The line divides the 814 NPA into a proposed eastern NPA, referred to as "Area A" in the IPD, and a proposed western NPA, referred to as "Area B." The boundary runs east of the Corry, Spartansburg, Grand Valley, Oil City, Venus, and Rockland rate centers. Area A would have a projected NPA life of 7 years to exhaust and Area B would have a projected NPA life of 61 years to exhaust.

At the March 21st meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend to the Commission Alternative #3, the all-services distributed overlay plan, as the preferred method of relief for the 814 NPA. Alternative #3, the all-services distributed overlay, would superimpose a new NPA over the same geographic area covered by the existing 814 NPA. All existing customers would retain the 814 area code and would not have to change their telephone numbers. Consistent with FCC regulations, the relief plan would require 10-digit dialing for all local calls within and between the 814 NPA and the new NPA. The Industry recommends that calls between NPAs be dialed using 1+10-digits and 0+10 dialing for operator assisted calls. When the 814 NPA exhausts, all CO code assignments will be made from the new overlay area code. Industry participants reached consensus to recommend to the Commission a 13-month schedule for implementation of the overlay.

The recommended implementation schedule is as follows:

Recommended Implementation Schedule for All Services Distributed Overlay

Event	Timeframe
Network Preparation Period	6 months
Permissive 10-Digit Dialing and Customer Education Period (Calls within 814 NPA can be dialed using 7 or 10 digits)	6 months
Mandatory dialing period begins at the end of the Permissive Dialing Period	
First Code Activation (Effective date for codes from the new NPA)	1 month (after Mandatory Dialing Period)
Total Implementation Interval	13 months

After reaching consensus on the NPA relief plan to recommend to the Commission, however, the Industry discussed the decline in demand for CO codes and certain proposed number conservation measures such as thousands-block (1K) number pooling that may extend the life of the 814 NPA beyond the original projected exhaust date.¹¹ Consequently, the Industry decided to delay filing the petition for relief until such time that future NRUF reports indicated a more immediate need.

According to the April Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis April 24,

¹¹ In April 2002, the 814 NPA was also included as a part of the national 1K block pooling roll-out schedule developed by Neustar. The 814 numbering pool was implemented in November 2002 in accordance with the FCC's national rollout of thousands-block pooling.

2009, Update (2009 NRUF Report),¹² the 814 NPA is projected to exhaust all available NXX codes during the third quarter 2012. After the release of the April 2009 NRUF Report which indicated that the 814 NPA would exhaust during the third quarter of 2012, the Industry met via conference call on April 19, 2009 and decided to file the updated petition for relief with the Commission.

III. Comments Sought By the Commission

The FCC has adamantly maintained that state commissions cannot engage in number conservation measures to

¹² Federal rules that went into effect on July 17, 2000, require all carriers to report to the NANPA their historical and forecast utilization data. 47 CFR 52.15(f). These reports are made semi-annually and are referred to as the "NRUF Reports." Using this data along with the rate of assignment of NXX codes in the NPA, the NANPA predicts the exhaust date for all NPAs in its NPA Exhaust Analysis. These reports can be found at www.nanpa.com.

the exclusion of, or as a substitute for, timely area code relief.¹³ Therefore, when Pennsylvania's area codes are about to exhaust their supply of NXX codes, the Commission must implement timely area code relief, i.e., add a new area code. When faced with the need to implement new area codes, the Commission must decide two very important issues. First, the Commission must decide how to implement the new area code (i.e., a geographic split or an overlay). Second, the Commission must determine when the new area code needs to be implemented. Therefore, we are seeking comments from interested parties regarding what form of area code relief should be implemented upon exhaust of the 814 NPA and the timeframe for the implementation.

A. Form of Area Code Relief for the 814 NPA

According to the FCC, state commissions must add new area codes when the existing area codes exhaust or are about to exhaust all their NXX codes. Consequently, the critical element for deciding when to add new area codes is to know when the area code will exhaust all of its NXX codes. State commissions have no involvement in predicting or projecting the exhaust dates for area codes. The FCC has delegated this responsibility to the NANPA.

The NANPA projects exhaust dates for area codes by averaging the past rate of assignment of NXX codes and using that to estimate the future rate at which NXX codes will be assigned. Because these variables are so fluid, projecting accurate exhaust dates is difficult. With constantly changing information such as this, the Commission has a difficult time trying to determine when Pennsylvania's area codes will exhaust thereby requiring the addition of new area codes to ensure that all telecommunications carriers have numbering resources.

Once it is determined that area code relief is necessary, based on the NANPA's projected forecasts, state commissions are faced with the task of deciding what form that relief should take. The Commission is seeking comments on the five initial relief alternatives submitted by the NANPA to the industry and is open to suggestions regarding any other potential alternatives for providing relief to the 814 NPA.

Pennsylvania has experienced both area code splits and overlays. There have been a total of five overlays since 1999 (484, 267 and 878 have been implemented and 835 and 445 were activated but later rescinded). Prior to 1999, three geographic splits have been implemented (610, 570, and 724). There are benefits and disadvantages to either method.

With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to change their advertising and stationery. However, the FCC requires that 10 digits be used to dial all numbers in the overlaid area when an overlay is implemented. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given rate center. Therefore, the first three digits of a 10-digit telephone number around the corner or down the block might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business, if the existing carrier has run out of numbers in an NXX assigned to the old area code.

On the other hand, implementation of a geographic split involves dividing an existing area code into two or more parts, with one part retaining the old area code and other(s) receiving a new area code(s). Callers are presently able to continue using 7-digit dialing for calls made within the area code boundaries. Customers in the area retaining the old area code are minimally impacted. Customers in the new area code, however, must change their area codes. Businesses must revise their stationery and their advertising. Commercial customers may not be able to retain "vanity numbers," upon which they have spent advertising dollars. Callers, particularly at the border of the old and new area codes are temporarily inconvenienced. They often must dial 11 digits to make calls that were previously 7-digit numbers. Although local calling areas actually have not changed, and calls that were local before the area code split remain local calls, even if they cross into the new area code, people are initially disconcerted and distrusting of the concept of an eleven-digit local call. Indeed, local calling areas do not change no matter which method of area code relief is implemented.

Specifically, the Commission is interested in the specific circumstances of the 814 NPA and whether these circumstances favor the implementation of one form of relief over the other. We ask parties that are submitting comments to keep in mind the following factors when advocating for a particular form of area code relief: 1) What form of area code relief would create longer lasting NPAs for the 814 region; and 2) What form of area code relief is the least disruptive to consumers.

B. Implementation Schedule and Activation of the Relief Plan Chosen for the 814 NPA

While a state commission may not utilize numbering optimization measures in lieu of implementing timely area code relief, a state commission may minimize the consumer impact of traditional area code relief by not implementing new area codes sooner than necessary. Accordingly, we would like comments from interested parties on the time frame for when area code relief must be implemented and ultimately activated to relieve the 814 NPA. The current overlay relief plan proposed by the industry allows 13 months for full implementation of the new NPA. According to this timeline, 6 months are devoted to network preparation, 6 months are devoted to "permissive" 10-digit dialing, and 1 month is devoted to "mandatory" 10-digit dialing. The Commission's experience with area code overlays is that they can be fully implemented within 6 months. Consequently, the Commission questions whether a 13-month timeline would really be necessary for implementation of an overlay for the 814 NPA.

We also seek comment on the following questions regarding implementation of a split to relieve the 814 NPA. What is the shortest amount of time this type of relief can be implemented? Would a 6-month time frame for implementation of a split be feasible? What aspect of implementing a split is the most significant for the industry and how long does this take to complete?

Also, in Southeastern Pennsylvania (610/484 and 215/267), the Commission had ordered that additional proposed overlays (835 over 610/484 and 445 over 215/267) not be implemented until 3 months prior to total exhaust of the underlying NPAs. Is a similar situation possible for the 814 NPA? More specifically, could the industry undertake to implement an overlay for the 814 NPA but not actually activate that new overlay NPA until total exhaust of the 814 NPA? Could the requirement of 10-digit

¹³ *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000).

dialing be suspended until the new overlay NPA were fully activated? We would like comments from interested parties on the time frame for when area code relief must be implemented to relieve the 814 NPA.

Moreover, we recently filed a petition with the FCC requesting additional delegated authority so that we could implement mandatory number pooling throughout each and every rate center within our NPAs. We believe that if the petition is granted by the FCC, it will add to the number of NXX codes available for assignment in our NPAs, particularly our more geographically rural NPAs, like the 814 NPA. We also believe that this may impact the implementation schedule for any new area code in the 814 NPA.

Conclusion

The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is as minimal as possible. In view of the well-documented disruption to customers caused by changes in their area code, it is in the public interest for us to seek comments

from consumers, the industry and other interested parties involved regarding this difficult decision; *Therefore,*

It Is Ordered That:

1. The industry consensus recommendation set forth in the petition for an all services distributed overlay relief plan for the 814 NPA is denied, pending receipt of comments and any further proceedings, as necessary.

2. Comments, as requested by this Order, be filed with the Commission no later than 30 days after this Order is published in the *Pennsylvania Bulletin*. Reply comments may be filed within 20 days after the close of the comment period.

3. A copy of this order shall be served on all jurisdictional telecommunications carriers, wireless carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, and Wayne Milby and Beth Sprague of the North American Numbering Plan Administrator.

4. A copy of this order shall be published both in the *Pennsylvania Bulletin* and on the Commission's web site.

JAMES J. MCNULTY,
Secretary

APPENDIX A

814 NPA Relief Alternatives

PENNSYLVANIA
NPA RELIEF PLANNING TOOL ASSUMPTIONS FOR 814 NPA

NRUF DATE:	May 2001
PROJECTED EXHAUST DATE:	1stQuarter 2005
ANNUALIZED CO CODE DEMAND PROJECTION:	69
MONTHLY CO CODE DEMAND PROJECTION:	4.8
LERG DATA:	December 2001

NPA Relief Alternatives

NPA Split Alternatives

The exhausting NPA is split into two geographic areas and a new NPA is assigned to one of the areas formed by the split. All split plans would require ten-digit local dialing between NPAs in the same extended local calling area. Within an NPA, seven-digit dialing would be permitted.

Alternative #1 – NPA Split

The proposed boundary line runs along rate center boundaries approximately following the county boundaries between Cambria and Clearfield and Centre and Clearfield. The proposed boundary runs south of Glen Campbell, Mahaffey, Coalport and Houtzdale. The line then turns north and runs east of Osceola Mills, Clearfield, Winburne and Frenchville.

Area A
 Total CO Codes at Exhaust = 409
 Area code life in years = 8

Area B
 Total CO Codes at Exhaust = 314
 Area code life in years = 14

Alternative #2 – NPA Split

The proposed boundary line runs along rate center boundaries approximately to the east of Jefferson, Elk and Mckean counties. The proposed boundary runs in a north/south direction east of the rate centers Shinglehouse, Wilcox, Kersey, Dubois and Sykesville.

Area A
 Total CO Codes at Exhaust = 383
 Area code life in years = 9

Area B
 Total CO Codes at Exhaust = 340
 Area code life in years = 12

February 2002

814 NPA Relief Alternatives

Overlay Alternative

Alternative #3 – All Services Distributed Overlay

A new NPA code would be assigned to the same geographic area as the existing 814 NPA. Customers would retain their current telephone numbers; however, ten-digit local dialing by all customers between and within area codes in the area covered by the new code would be required. Codes in the overlay NPA will be assigned upon request with the effective date of the new area code. At exhaust of the 814 NPA all code assignment will be made in the overlay area code.

Total CO Codes at Exhaust = 723

Area code life in years = 11

Industry Developed Alternatives

Alternative #4 – Technology Specific (or Specialized) Overlay

Numbering resources in a technology specific overlay are assigned to service providers that use a particular type of technology or technologies. The Pennsylvania Public Utility Commission Staff (Staff) asked the industry to consider the criteria set forth in paragraph 81 of the FCC's Third Report and Order as guidance in developing this alternative. Staff cited an overlay for wireless service providers only and an overlay for non-pooling service providers as examples for the industry to consider as a starting point.

Because implementation of this type of relief plan requires States to seek delegated authority and FCC approval, no calculations or a map have been provided by NANPA.

Alternative #5 – NPA Split¹

The proposed boundary line runs along rate center boundaries approximately between LATA boundary 924 and LATA boundary 230. The proposed boundary runs east of Corry, Spartansburg, Grand Valley, Oil City, Venus and Rockland.

Area A

Total CO Codes at Exhaust = 542

Area code life in years = 4

Area B

Total CO Codes at Exhaust = 181

Area code life in years = 31

¹ Alternative #5 does not meet the specifications of INC 97-0404-016, but was requested by an industry member during the pre-IPD conference call and is included as part of the record.

February 2002

814 NPA Relief Alternatives

PENNSYLVANIA

PROJECTED LIVES OF RELIEF ALTERNATIVES

In Years

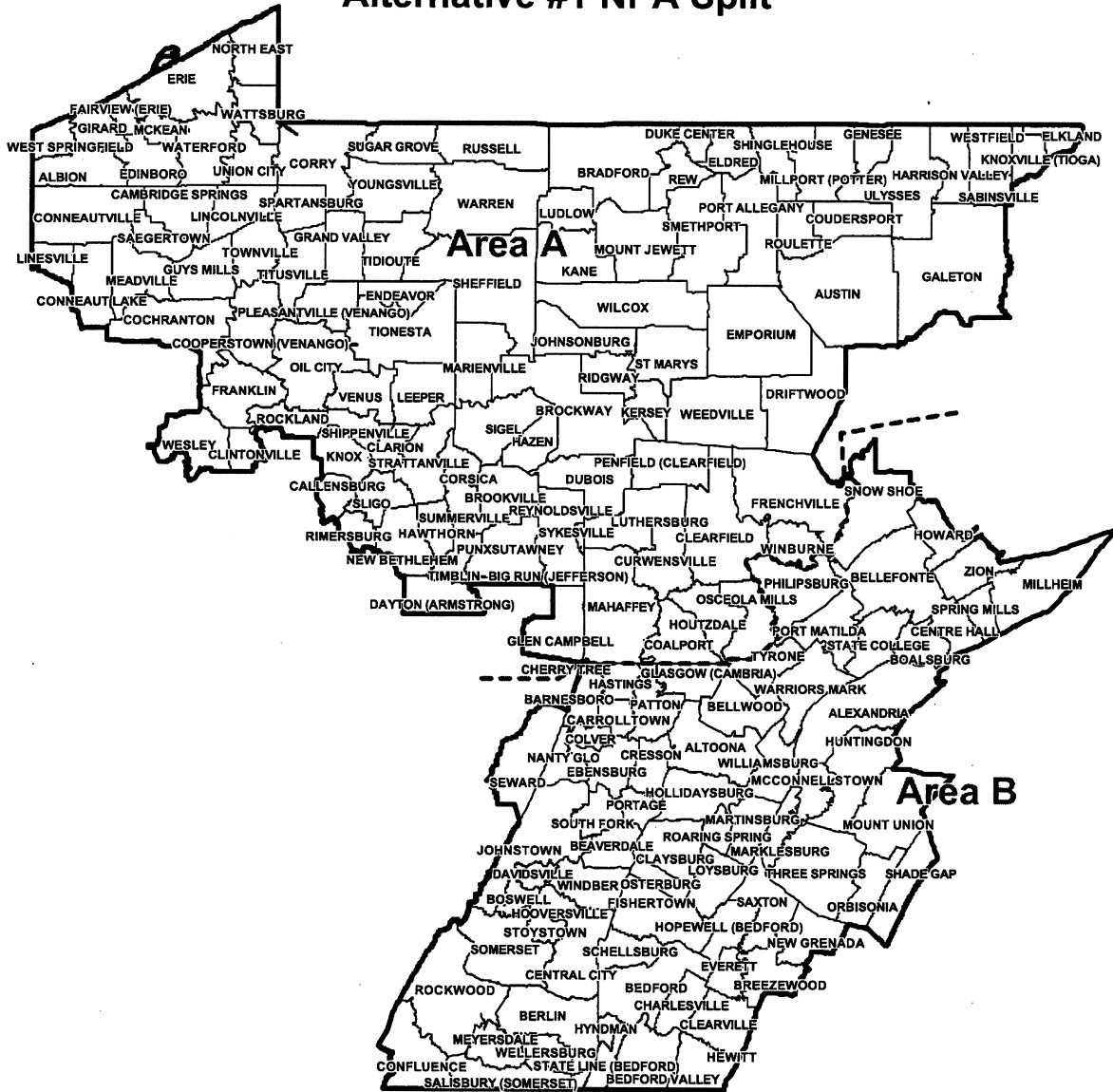
Alternative	Area A		Area B
#1	8		14
#2	9		12
#3		11	
#4	NA		NA
#5	4		31

February 2002

Pennsylvania NPA 814 Rate Center Map



Alternative #1 NPA Split



NPA 814 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

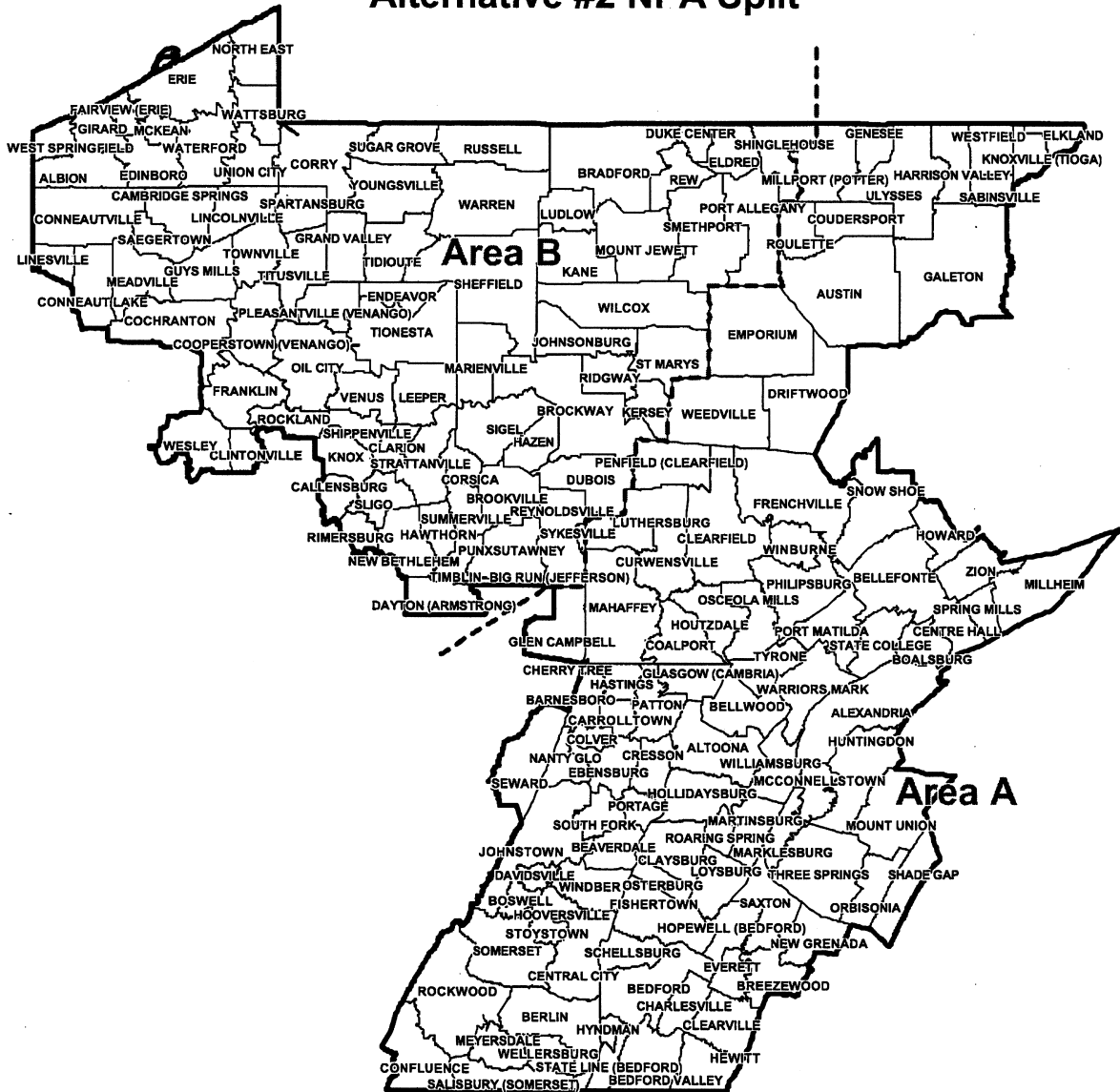
ALTERNATIVE #1	PROJECTED LIVES
Area "A"	8 Years
Area "B"	14 Years

Produced by CDS Business Mapping 1/22/2002

Pennsylvania NPA 814 Rate Center Map



Alternative #2 NPA Split



NPA 814 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

ALTERNATIVE_#2	PROJECTED_LIVES
Area "A"	9 Years
Area "B"	12 Years

Produced by CDS Business Mapping 1/22/2002

Pennsylvania NPA 814 Rate Center Map



Alternative #3
All Services Distributed Overlay



NPA 814 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

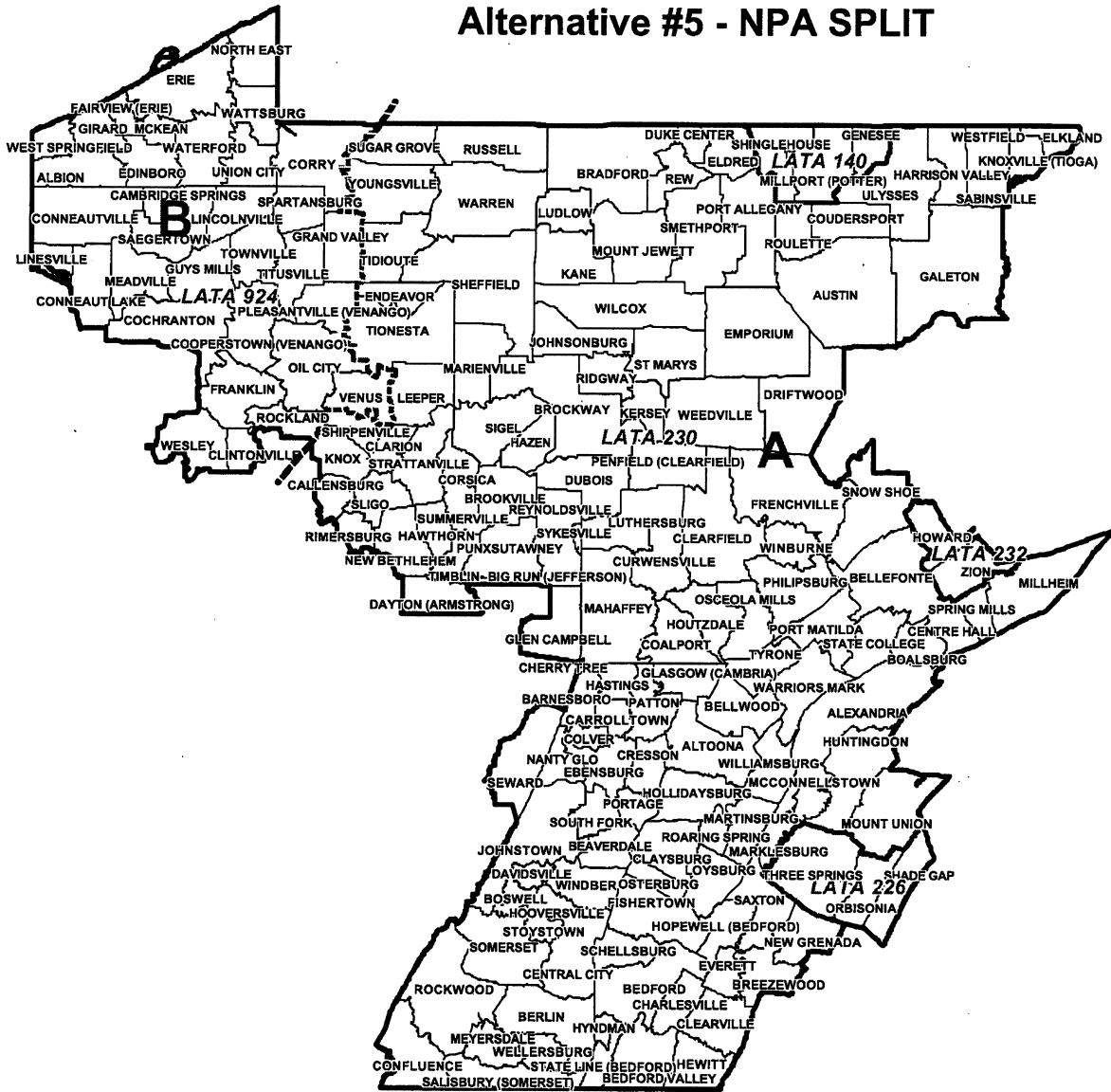
ALTERNATIVE #3	PROJECTED LIVES
Overlay	11 Years

Produced by CDS Business Mapping 1/22/2002

Pennsylvania NPA 814 Rate Center & LATA Map



Alternative #5 - NPA SPLIT



NPA 814 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- LATA Boundaries
- NPA Split Boundary

Alternative_#5	Projected_Lives
Area "A"	4 Years
Area "B"	31 Years

Produced by CDS Business Mapping

NOTICES

RATE CENTER TABLE

Pennsylvania								
814 NPA								
12/01 LERG								
Count of NXX	CATEGORY							
RC FULL NAME	GLEC	ICO	PCS	RBOC	ULEC	WIRELESS	(blank)	Grand Total
ALBION			1					1
ALEXANDRIA					2			3
ALTOONA	7			1	8	1	14	31
AUSTIN	1				1			2
BARNESBORO	2				2			4
BEAVERDALE			1					1
BEDFORD		2	2				4	8
BEDFORD VALLEY			1					1
BELLEFONTE		2			4	1	3	10
BELLWOOD	1				1			2
BERLIN			1					1
BIG RUN (JEFFERSON)					1			1
BOALSBURG	1				1		4	6
BOSWELL			1					1
BRADFORD	2			3	3		3	11
BREEZEWOOD			1					1
BROCKWAY			3					3
BROOKVILLE			1	2				3
CALLENSBURG			1					1
CAMBRIDGE SPRINGS	1		1					2
CARROLLTOWN					1			1
CENTRAL CITY			1					1
CENTRE HALL	1				1			2
CHARLESVILLE			1					1
CHERRY TREE					1			1
CLARION		5		2	4		3	14
CLAYSBURG			1					1
CLEARFIELD		2		2	4		4	12
CLEARVILLE			1					1
CLINTONVILLE			1					1
COALPORT			1					1
COCHRANTON			1					1
COLVER			1					1
CONFLUENCE	1		1					2
CONNEAUT LAKE			1					1
CONNEAUTVILLE			1					1
COOPERSTOWN (VENANGO)			1					1
CORRY	1		3					4
CORSICA			1					1
COUDERSPORT	3			1	1			5
CRESSON	1				2			3
CURWENSVILLE	1				1			2
DAVIDSVILLE			1					1
DAYTON (ARMSTRONG)			1					1
DRIFTWOOD			1					1
DUBOIS		5		2	3		5	15
DUKE CENTER			1					1
EBENSBURG	2				2			4
EDINBORO	1		2					3
ELDRED					1			1
ELKLAND	2		1					3
EMPORIUM			1					1
ENDEAVOR					1			1
ERIE	5		30	2			15	52
EVERETT			1					1
FAIRVIEW (ERIE)	1		1					2
FISHERTOWN			1					1
FRANKLIN	4		2	2				8
FRENCHVILLE	1				1			2
GALETON	1				1			2
GENESEE			1					1
GIRARD	1		1					2
GLASGOW (CAMBRIA)			1					1
GLEN CAMPBELL					1			1
GRAND VALLEY	1		1					2
GUY'S MILLS			1					1
HARRISON VALLEY			1					1
HASTINGS					1			1
HAWTHORN			1					1
HAZEN			1					1
HEWITT			1					1
HOLIDAYSBURG	1				4			5
HOOVERSVILLE			1					1
HOPEWELL (BEDFORD)			1					1
HOUTZDALE	1				1			2
HOWARD	1		1					2
HUNTINGDON	3				3		2	9
HYNDMAN			1					1
JOHNSONBURG			1					1
JOHNSTOWN	4		13	1			12	30
KANE					1			1
KERSEY			1					1
KNOX			1					1

Source: Local Exchange Routing Guide

RATE CENTER TABLE

KNOXVILLE (TIOGA)			1						1
LEEPER	1				1				2
LINCOLNVILLE			1						1
LINESVILLE			1						1
LOYSBURG			1						1
LUDLOW					1				1
LUTHERSBURG			1						1
MAHAFFEY					1				1
MARIENVILLE	1				1				2
MARKLESBURG	1	1							2
MARTINSBURG			1						1
MCCONNELLSTOWN	1	1							2
MCKEAN	1	1							2
MEADVILLE		6	2				4		12
MEYERSDALE		1							1
MILLHEIM	2				1				3
MILLPORT (POTTER)			1						1
MOUNT JEWETT	1				1				2
MOUNT UNION	1				2				3
NANTY GLO			1						1
NEW BETHLEHEM			1						1
NEW GRENADA			1						1
NORTH EAST	2		1						3
OIL CITY	2	3	2				4		11
ORBISONIA			1						1
OSCEOLA MILLS					1				1
OSTERBURG			1						1
PATTON	1				1				2
PENFIELD (CLEARFIELD)			1						1
PHILIPSBURG	2				2				4
PLEASANTVILLE (VENANGO)	1	1							2
PORT ALLEGANY					1				1
PORT MATILDA			1						1
PORTAGE	1				1				2
PUNXSUTAWNEY	3			1	2				6
REW	1				1				2
REYNOLDSVILLE	1				1		2		4
RIDGWAY			3						3
RIMERSBURG			1						1
ROARING SPRING			1						1
ROCKLAND			1						1
ROCKWOOD			2						2
ROULETTE	1				1				2
RUSSELL					1				1
SABINSVILLE			1						1
SAEGERTOWN			1						1
SALISBURY (SOMERSET)			1						1
SAXTON	1				1				2
SHELLSBURG	1	1							2
SEWARD			1						1
SHADE GAP			1						1
SHEFFIELD			1						1
SHINGLEHOUSE			1						1
SHIPPENVILLE			1						1
SIGEL			1						1
SLIGO			1						1
SMETHPORT	1				1				2
SNOW SHOE	1				1				2
SOMERSET	2	3	1		1		4		10
SOUTH FORK			1						1
SPARTANSBURG	1	1							2
SPRING MILLS	1				1				2
ST MARYS			3		1		3		7
STATE COLLEGE	5			3	11	1	3		23
STATE LINE (BEDFORD)			1						1
STOYSTOWN	1								1
STRATTANVILLE			1						1
SUGAR GROVE					1				1
SUMMERSVILLE	1	1							2
SYKESVILLE					1				1
THREE SPRINGS			1						1
TIDIOUTE					1				1
TIMBLIN			1						1
TIONESTA	1				1				2
TITUSVILLE	1	1							2
TOWNVILLE			1						1
TYRONE	1				2				3
ULYSSES	1				1				2
UNION CITY			1						1
VENUS			1						1
WARREN	5			3	3		2		13
WARRIORS MARK			1						1
WATERFORD	1	1							2
WATTSBURG	1	1							2
WEEDVILLE			1						1
WELLERSBURG			1						1
WESLEY	1								1
WEST SPRINGFIELD			1						1

Source: Local Exchange Routing Guide

NOTICES

RATE CENTER TABLE

WESTFIELD		1						1
WILCOX		1						1
WILLIAMSBURG		1						1
WINBURNE	1			1				2
WINDBER		1						1
YOUNGSVILLE				1				1
ZION	1	1						2
(blank)								
Grand Total	120	180	31	105	3	91		530

Source: Local Exchange Routing Guide

[Pa.B. Doc. No. 09-1440. Filed for public inspection August 7, 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 24, 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-2009-2120515. Cindy's Carriages, LLC (7011 Old Steubenville Pike, Suite 102, Oakdale, Allegheny County, PA 15071)—persons, in airport transfer service, from points in Allegheny County to the Pittsburgh International Airport located in Findley Township, Allegheny County.

A-2009-2120572. Cindy's Carriages, LLC (7011 Old Steubenville Pike, Suite 102, Oakdale, Allegheny County, PA 15071)—persons, upon call or demand, in the Townships of North Fayette, Oakdale, Robinson, Coropopolis, Moon, Findley and Kennedy, all in Allegheny County.

A-2009-2120621. Cuzzo, LLC, d/b/a A Touch of Class Limousines (575 North East Street, Frederick, MD 21701)—persons, in limousine service, from points in the Counties of Adams and Franklin, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2009-2120726. Frank C. Noonan (420 West Lincoln Avenue, Myerstown, Lebanon County, PA 17067)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, for medical treatment, from points in Lancaster County, to points in Pennsylvania, and return.

A-2009-2120781. Jet Sedan Services, LLC (115 Philander Street, Pittsburgh, Allegheny County, PA 15218), a limited liability company of the Commonwealth—for the right to begin to transport persons, in limousine service, from points in the Counties of Allegheny, Beaver, Butler, Cambria, Clearfield, Crawford, Erie, Fayette, Lawrence, Mercer, Venango, Washington and Westmoreland, to points in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David M. O'Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo, P. C., 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219-3455.

A-2009-2121141. Rickey Eugene Fisher (2021 Gap Road, Allenwood, Lycoming County, PA 17810)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Washington Township, Lycoming County, and within an airline radius of 50 statute miles of said township.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Lehigh Valley Taxicab Co., Inc.; Doc. No. C-2009-2058197

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Lehigh Valley Taxicab Co., Inc. (respondent) is under suspension effective September 04, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1766 West Market Street, Bethlehem, PA 18018-3848.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 13, 1963, at A-00088477F0006.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00088477F0006 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Browns
Trucks & Tows, Inc.; Doc. No. C-2009-2046799*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Brown's Trucks & Tows, Inc. (respondent) is under suspension effective November 24, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6821 Kelly Street, Pittsburgh, PA 15208.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 09, 2007, at A-00123077.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00123077 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Osman Akbulut;
Doc. No. C-2009-2113224*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Osman Akbulut (respondent) is under suspension effective June 17, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 228-East North Arlington Avenue, Harrisburg, PA 17109.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 09, 2008, at A-00122310.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00122310 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1441. Filed for public inspection August 7, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
July 23, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

In re: 1-800-Reconex, Inc.;
Doc. Nos. A-310593, A-310593F0002, A-310593F0003

Tentative Order

By the Commission:

1-800-Reconex, Inc. (Reconex) is a competitive local exchange carrier, a reseller of interexchange toll services, and a competitive access provider certificated at A-310593, A-310593F0002 and A-310593F0003, respectively. By letter dated May 15, 2009, Reconex's former Vice President and General Counsel advised the Commission that Reconex has ceased doing business as of May 31, 2009, and any remaining assets were being returned to leasing companies or being liquidated.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above facts, we believe it is appropriate to revoke Reconex's certificates of public convenience without the necessity of a formal complaint. For these reasons, we tentatively conclude that revocation of Reconex's certificates of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Reconex seeks relief from this Tentative Order; *Therefore, It Is Ordered That:*

1. Revocation of 1-800-Reconex, Inc.'s certificates of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by 1-800-Reconex, Inc. at A-310593, A-310593F0002 and A-310593F0003 shall be canceled, and 1-800-Reconex, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1442. Filed for public inspection August 7, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
July 23, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

In re: Lightwave Communications, LLC;
Doc. Nos. A-311021, A-311021F0002

Tentative Order

By the Commission:

Lightwave Communications, LLC (Lightwave) is a competitive local exchange carrier and a reseller of interexchange toll services certificated at A-311021 and A-311021F0002, respectively. On Lightwave's 2008 Annual Report filed on February 4, 2009, it was noted that Lightwave ceased doing business as of September 18, 2008. A follow up telephone call by Commission Staff to the phone number appearing on the report revealed that the report was filed by Broadview Networks, Inc. (Broadview). Staff subsequently learned in another call to an official with Broadview that Broadview purchased all

of Lightwave's customers while Lightwave was in a Federal bankruptcy proceeding.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above facts, we believe it is appropriate to revoke Lightwave's certificates of public convenience without the necessity of a formal complaint. For these reasons, we tentatively conclude that revocation of Lightwave's certificates of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Lightwave seeks relief from this Tentative Order; *Therefore, It Is Ordered That:*

It Is Ordered That:

1. Revocation of Lightwave Communications, LLC's certificates of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by Lightwave Communications, LLC at A-311021 and A-311021F0002 shall be canceled, and Lightwave Communications, LLC's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1443. Filed for public inspection August 7, 2009, 9:00 a.m.]

Tentative Order

Public Meeting held
July 23, 2009

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

In re: NexUSTel, LLC;
Doc. No. A-2008-2049492

Tentative Order

By the Commission:

NexUSTel, LLC (NexUSTel) is a reseller of interexchange toll services certificated at A-3110243. By letter dated March 20, 2009, NexUSTel advised the Commission that it will not provide intrastate telecommunications services for the foreseeable future and that it wishes to abandon its certificate of public convenience. By letter dated April 17, 2009, Secretary McNulty directed

NexUSTel to file an abandonment application and to remit the requisite \$350 filing fee. More recently, Commission staff attempted unsuccessfully to contact by phone and e-mail NexUSTel about the status of its abandonment filing. Additionally, the telephone number the Commission has on file for NexUSTel is disconnected and no information is available for any new phone numbers.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the above facts, we believe it is appropriate to revoke NexUSTel's certificate of public convenience without the necessity of a formal complaint. For these reasons, we tentatively conclude that revocation of NexUSTel's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if NexUSTel seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of NexUSTel, LLC's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by NexUSTel, LLC at A-3110243 shall be canceled, and NexUSTel, LLC's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1444. Filed for public inspection August 7, 2009, 9:00 a.m.]

Water

R-2009-2117550. Newtown Artesian Water Company. Newtown Artesian Water Company filed Supplement Number 67 to Tariff Water Pa PUC Number 9, effective September 1, 2009, for the purpose of placing a Purchased Water Adjustment Clause in the company's tariff.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 24, 2009. The documents filed in support of the application are available for

inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Newtown Artesian Water Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1445. Filed for public inspection August 7, 2009, 9:00 a.m.]

Water Service

A-2009-2119930. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in a portion of Paint Township, Clarion County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 24, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1446. Filed for public inspection August 7, 2009, 9:00 a.m.]

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Public Meeting Rescheduled

The public meeting previously scheduled for the Pennsylvania Stimulus Oversight Commission for Thursday, August 13, 2009, at 11 a.m. is cancelled. The next meeting will be held Thursday, September 10, 2009, in Conference Room 1, Forum Place Building, 555 Walnut Street, Harrisburg, PA.

RONALD NAPLES,
Chairperson

[Pa.B. Doc. No. 09-1447. Filed for public inspection August 7, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Sale of Surplus Equipment

The Philadelphia Regional Port Authority (PRPA) will accept bids for the sale of the following surplus equipment until 2 p.m., Thursday, September 3, 2009.

Project #08-135, sale of two 1,500 gallon, preowned, never used, Concrete Storage Tanks.

Project #08-136, sale of one used Cleaver Brooks Boiler, pressure of 150 PSI, output of 125 horsepower, Model #CB100-125-150 ST and aboveground 2,000 gallon fuel tank.

The bid document may be found at www.philaport.com and will be available August 11, 2009. Contact Donna Powell the Director of Procurement for additional information at (212) 426-2600.

The PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-1448. Filed for public inspection August 7, 2009, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Professional and Occupational Affairs v. Corinne E. Beatty; Doc. No. 1165-45-2009

On June 25, 2009, Corinne E. Beatty, license no. CL019749L, of Bentleyville, Washington County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsyl-

vania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JANET G. M. SANKO,
Chairperson

[Pa.B. Doc. No. 09-1449. Filed for public inspection August 7, 2009, 9:00 a.m.]

STATE POLICE

Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to the prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 34 Pa.B. 1304 (February 28, 2004) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 34 Pa.B. 1304, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional approved mobile video recording system, which meets the minimum equipment standards published at 34 Pa.B. 1304:

Digital Patroller, Integrian, Morrisville, NC

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL FRANK E. PAWLOWSKI,
Commissioner

[Pa.B. Doc. No. 09-1450. Filed for public inspection August 7, 2009, 9:00 a.m.]

