

PENNSYLVANIA BULLETIN

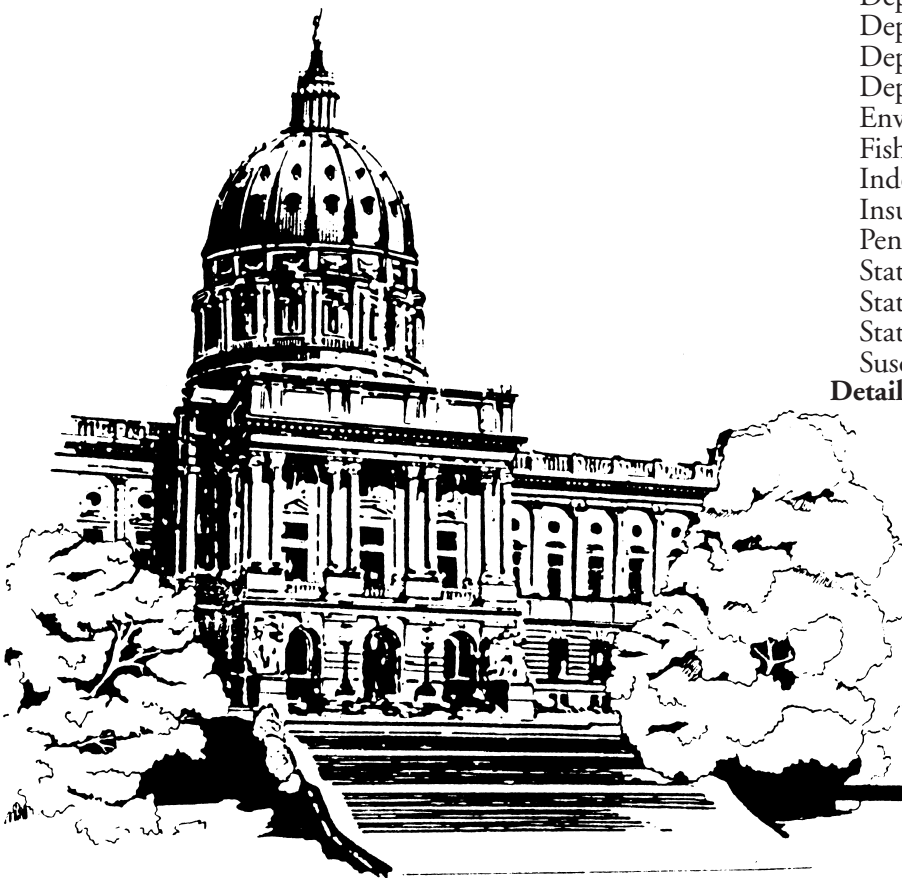
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for the Subject Index
for January—September 2009

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No. 419, October 2009

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GENERAL ASSEMBLY

Recent Actions during the 2009 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2009 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2009 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 037 THROUGH 045					
037	Aug 18	SB0240	PN1312	Immediately*	Health and Safety (35 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—omnibus amendments
038	Aug 27	HB0039	PN2058	Immediately*	Crimes Code (18 Pa.C.S.)—cruelty to animals
039	Aug 27	SB0366	PN0365	Immediately	Judicial Code (42 Pa.C.S.)—right to bail
040	Aug 27	SB0574	PN0945	60 days	Fish and Boat Code (30 Pa.C.S.)—Lake Erie fishing permits
041	Sep 3	SB0921	PN1266	60 days	Board of Vehicles Act—mediation and arbitration, unlawful acts by manufacturers or distributors and for manufacturer or distributor repurchase of inventory and equipment
042	Sep 18	HB0222	PN0227	60 days	Crimes Code (18 Pa.C.S.)—restitution for identity theft
043	Sep 18	HB0348	PN2571	Immediately	Conveyances—Commonwealth property in Canaan Township, Wayne County, and in City of Altoona, Blair County
044	Sep 18	HB1828	PN2638	Immediately*	Municipal Pension Plan Funding Standard and Recovery Act—omnibus amendments
045	Sep 18	SB0925	PN1309	60 days	Massage Therapy Law—qualification for licensure and for other professions
2009 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 009A					
009A	Aug 19	HB1663	PN2572	Immediately	Pennsylvania Gaming Control Board—operations

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 09-1826. Filed for public inspection October 2, 2009, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Order Promulgating Rule 1906 of the Pennsylvania Rules of Judicial Administration; Judicial Administration; Doc. No. 334

Order

And Now, this 17th day of September, 2009, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Rule 1906 of the Pennsylvania Rules of Judicial Administration is approved.

To the extent that prior distribution and publication of this rule would otherwise be required, it has been determined pursuant to Pa.R.J.A. No. 103(a)(3) that immediate promulgation is required in the interests of justice and efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1906. Prohibited Communication with Jurists.

No litigant or any other participant in a legal matter or proceeding shall send a communication related thereto to the home address of a jurist. Such communications will not be reviewed and will have no legal or procedural significance. The communication will not be returned or forwarded, but will be destroyed.

Explanatory Comment:

For purposes of this rule, the term “jurist” encompasses all jurists at any level of the Unified Judicial System. It includes, but is not limited to, Justices of the Supreme Court, as well as judges of the appellate courts, courts of common pleas and the minor courts.

These types of communications will have no effect on the legal matter or proceeding. For example, the mailing of a prohibited correspondence will neither toll the applicable statute of limitation nor change any filing date requirements.

PATRICIA NICOLA,
Chief Clerk

[Pa.B. Doc. No. 09-1827. Filed for public inspection October 2, 2009, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ACT VI]

Proposed Deletion of Pa.R.E. 604

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the Deletion of Pa.R.E. 604 from the Rules of Evidence. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Interested persons may submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns, Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

No later than November 3, 2009.

By the Committee on Rules of Evidence

PROFESSOR SANDRA D. JORDAN,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VI. WITNESSES

Rule 604. [Interpreters] (Reserved).

[An interpreter is subject to the provisions of Rule 702 (relating to qualification as an expert) and Rule 603 (relating to the administration of an oath or affirmation).

Comment

This rule adopts the substance of F.R.E. 604; the only change is the explicit reference to Pa.Rs.E. 702 and 603, rather than the general reference to “the provisions of these rules” in F.R.E. 604.

The need for an interpreter whenever a witness’ natural mode of expression or the language of a document is not intelligible to the trier of fact is well settled. 3 Wigmore, *Evidence* § 911 (Chadbourn rev. 1970). Under Pa.R.E. 604, an interpreter is treated as an expert witness who must have the necessary skill to translate correctly and who must promise to do so by oath or affirmation.

Pa.R.E. 604 is consistent with those Pennsylvania statutes providing for the appointment of interpreters for the deaf. See 42 Pa.C.S. § 7103 (deaf party in a civil case); 2 Pa.C.S. § 505.1 (deaf party in hearing before Commonwealth agency); 42 Pa.C.S. § 8701 (deaf defendant in criminal case); see also *Commonwealth v. Wallace*, 433 Pa. Super. 518, 641 A.2d 321 (1994) (applying § 8701). Under each of these statutes, an interpreter must be “qualified and trained to translate for or communicate with deaf persons” and must “swear or affirm that he will make a true

interpretation to the deaf person and that he will repeat the statements of the deaf person to the best of his ability.”

There is little statutory authority for the appointment of interpreters, but the practice is well established. See Pa.R.Crim.P. 231(B) (authorizing presence of interpreter while investigating grand jury in session if supervising judge determines necessary for presentation of evidence); 51 Pa.C.S.A. § 5507 (under regulations prescribed by governor, convening authority of military court may appoint interpreters). The decision whether to appoint an interpreter is within the discretion of the trial court. See Commonwealth v. Pana, 469 Pa. 43, 364 A.2d 895 (1976) (holding that it was an abuse of discretion to fail to appoint an interpreter for a criminal defendant who had difficulty in understanding and expressing himself in English).]

Comment

Pennsylvania has adopted comprehensive legislation regulating the certification, and appointment of interpreters for persons with limited proficiency in English (42 Pa.C.S. § 4411 et seq.), and deaf persons (42 Pa.C.S. § 4431 et seq.). In view of this, the content of Rule 604 has been deleted.

REPORT

Proposed Deletion of Pa.R.E. 604

In view of legislation found in 42 Pa.C.S.A. §§ 4411, 4412, 4413 and 4414 and related statues, the context of Pa.R.E. 604 has been deleted. See proposed Comment.

[Pa.B. Doc. No. 09-1828. Filed for public inspection October 2, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

In Re: Local Rules of Civil Court; MsD No. 09-40262

Administrative Order of the Court

And Now, this 15th day of September, 2009, it is hereby ordered and decreed that Local Rules of Court listed below pertaining to Civil Court, adopted March 12, 2008 are hereby amended:

- L 205.2(b) Cover Sheet
L 1034(a) Motion for Judgment on the Pleadings
L 1035(a) Motion for Summary Judgment

These amendments are effective thirty days after publication of this notice and the within Amendments to Local Rules in the Pennsylvania Bulletin.

It is further ordered and directed new Local Rules L 205.2(c), 402, 1141(b), 1143, 1143.1, 3129.1 and 3256 are hereby Adopted. These Local Rules shall be effective thirty days after publication of this notice and the within Local Rules of Civil Procedure in the Pennsylvania Bulletin.

The Court directs the Court Administrator to:

- 1. File seven (7) certified copies of this Administrative Order and the within Local Rules of Civil Procedure with the Administrative Office of the Pennsylvania Courts.
2. File two (2) certified copies of this Administrative Order and the within Local Rules of Civil Procedure and one (1) diskette with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Domestic Relations Procedural Rules Committee.
4. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the administrative office of the Butler County Legal Journal for publication.
5. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the Butler County Law Library.

- 6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rules of Court in the Office of the Butler County Prothonotary, the Butler County Domestic Relations Section of the Office of the Court Administrator.

By the Court

THOMAS J. DOERR, President Judge

BUTLER COUNTY LOCAL RULES OF CIVIL PROCEDURE

Rule L205.2(b). Cover Sheet.

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA CIVIL ACTION

PLAINTIFF Case No.

vs.

DEFENDANT

Type of Document: _____

If this is a Complaint, designate whether the case is subject to Compulsory Arbitration (jurisdictional amount \$35,000) or not.

_____ amount in controversy does not exceed \$35,000

_____ amount in controversy exceeds \$35,000

_____ issues in case are not subject to Compulsory Arbitration

Does this complaint involve consumer credit card collection _____ Y _____ N

Does this complaint involve residential mortgage foreclosure proceedings _____ Y _____ N

Filed on behalf of _____ (Plaintiff/Defendant)

Counsel of record for this party _____ (Name of attorney primarily responsible)

Supreme Court I.D. No. _____

_____ (Firm Name, if any)

_____ (Address)

_____ (Phone)

_____ (Fax Number)

_____ (E-Mail Address)

Rule L205.2(c). Cover Sheet.

For all consumer credit collection cases and residential mortgage foreclosure proceedings, as designated on the civil cover sheet, no summons, complaint, pleading or other document used to commence a new residential mortgage foreclosure civil action or consumer credit collection action will be accepted for filing by the court of judicial records unless it is accompanied by a Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Form in the format set forth in the format following:

Date of Service: _____
 Manner of Service: _____
 By: _____

IN THE COURT OF COMMON PLEAS OF
 BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**NOTICE OF CONSUMER CREDIT/RESIDENTIAL
 MORTGAGE FORECLOSURE DIVERSION
 PROGRAM PURSUANT TO BUTLER COUNTY
 LOCAL RULE OF CIVIL PROCEDURE L205.2(b)
 AND L3129.1**

A Complaint in Consumer Credit or Mortgage Foreclosure has been filed with the Court that could cause you to lose your assets or home.

You may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within ten (10) days of the date noted above, you must contact a counselor at phone number 888-511-2227, extension 108. The counselor is available to you AT NO CHARGE. The counselor will work with you to review your finances and attempt to work with your lender to try to resolve the claims in this lawsuit. Once you call this number, the counselor will schedule an appointment to meet with you to discuss your finances and credit situation. During that meeting you must appear, and you must provide the counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the counselor will help you prepare and file a Request for Conciliation Conference with the Prothonotary. The request must be filed within thirty (30) days of the date as noted above. If you do so and a conciliation conference is scheduled, you must appear, and you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the lawsuit proceeds forward.

If you are represented by a lawyer, it is not necessary for you to contact one of the counseling agencies. However, you and your attorney must complete a financial worksheet in the format approved by the Court and available through the office of the Prothonotary or Court Administration or Butler County Website, www.co.butler.pa.us, so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete the financial worksheet within twenty (20) days of the date noted above, your lawyer will be able to file a Request for Conciliation Conference with the Prothonotary on your behalf so that a conciliation conference can be scheduled. The request must be filed within thirty (30)

days of the date as noted above. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

IF YOU WISH TO PARTICIPATE IN THIS DIVERSION PROGRAM, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.

Respectfully submitted:

 Date (Signature of Counsel for Plaintiff)

Rule L-402. Service of Notice.

Upon the filing of a residential foreclosure action, in addition to providing the Sheriff with a certified copy of the civil action to be served, the plaintiff shall also provide the Sheriff with a copy of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff shall serve both the writ or complaint and the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants named in the litigation in accordance with Pennsylvania Rule of Civil Procedure 402 for service of original process. If the case involves a residential mortgage foreclosure action, in the event the Sheriff is unable to personally serve the defendants with the civil action papers and the Notice, the Sheriff shall post the residential mortgaged property, which is the subject of the residential mortgage proceeding, with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff's return shall reflect the date and manner of posting said Notice on the property. For residential mortgage foreclosure actions, the posting of Notice on the residential property shall constitute service of said "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants for purposes of compliance with these local rules concerning the Consumer Credit or Residential Mortgage Foreclosure Diversion Program.

Rule L1034(a). Motion for Judgment on the Pleadings.

(Italicized paragraph indicates amendment to existing local rule.)

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for judgment on the pleadings is filed. Briefs for the non-moving parties shall be filed and served one (1) week prior to the scheduled submission or argument date.

As a condition precedent to the scheduling of a motion for judgment on the pleadings for court action in a consumer credit or residential mortgage foreclosure action involving a residential property, which serves as the primary residence of the defendant/borrower, the plaintiff/lender must file an Affidavit of Service indicating the manner and date of service of said notice upon the defendant/borrower. (form follows local rule L-1143(e))

(2) Upon the filing of motion for judgment on the pleadings, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for judgment on the pleadings. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L1035.2(a). Motion for Summary Judgment.
(Italicized paragraph indicates amendment to existing local rule.)

(1) A motion for summary judgment shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for summary judgment is filed. Briefs for the non-moving parties shall be filed and served no later than one (1) week prior to the scheduled submission or argument date.

As a condition precedent to the scheduling of a motion for summary judgment for court action in a consumer credit or residential mortgage foreclosure action involving a residential property, which serves as the primary residence of the defendant/borrower, the plaintiff/lender must file an Affidavit of Service indicating the manner and date of service of said notice upon the defendant/borrower. (form follows local rule L-1143(e))

(2) Upon the filing of motion for summary judgment, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for summary judgment. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L-1141(b). Consumer Credit or Residential Mortgage Foreclosure Program.

In consumer credit or residential mortgage foreclosure proceedings, local procedural requirements shall apply to accomplish the implementation of the Consumer Credit or Residential Mortgage Foreclosure Diversion Program. Local rules affected in relation to residential mortgage foreclosure proceedings are as follows:

- | | |
|--------------|------------------------|
| L205.2(b)(c) | L1143(a)(b)(c)(d)(e) |
| L402(c) | L1143.1(a)(b)(c)(d)(e) |
| L1034(a) | L3129.1(a)(b)(c) |
| L1035.2(a) | L3256 |

Rule L1143. Commencement of Consumer Credit or Mortgage Foreclosure Action.

(a) In all consumer credit and residential mortgage foreclosure actions involving a residential property, which serves as the primary residence of the defendant/borrower, the complaint must include a civil cover sheet which reports that the case involves a consumer credit or residential mortgage foreclosure action. In addition to the cover sheet bearing such indication, the complaint shall include a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" in the format set forth in Local Rule 205.2(b). Service of the complaint in such a consumer credit or mortgage foreclosure action shall include the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" form advising the defendant/borrower of the action to be taken by the defendant/borrower in order to participate in a court-supervised conciliation conference pursuant to local rules of court.

(b) If the defendant/borrower in a consumer credit or residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under Butler County Local Rule of Civil Procedure (L.R.C.P. 1143.1), the defendant/borrower shall file a Request for Conciliation Conference in the format set forth below. The Request for Conciliation Conference shall be filed with the Prothonotary within thirty 30 days of service of the Notice of

Consumer Credit or Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.

IN THE COURT OF COMMON PLEAS OF
 BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

REQUEST FOR CONCILIATION CONFERENCE

Pursuant to the local rules governing the Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program, the undersigned hereby certifies as follows:

1. This action involves consumer credit, or the Defendant is the owner of the residential property if this is mortgage foreclosure action;

2. If a residential mortgage foreclosure action, Defendant lives in the subject property, which is defendant's primary residence;

3. Defendant has been served with a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" and has taken all of the steps required in that Notice to be eligible to participate in a court-supervised conciliation conference under Butler County L.R.C.P. 1143.1.

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

 Signature of Defendant/Defendant's Counsel Date

Person who Plaintiff should contact to discuss status of case and options to resolve:

Name _____
 Office _____
 Relationship to Defendant _____
 Address _____
 Phone _____
 E-Mail _____
 Fax # _____

(c) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a case management order as required by Butler County Rule Civil Procedure L-1143.1(c). Conciliation conferences shall be scheduled and conducted in conformity with Butler County Rule of Civil Procedure L-1143.1.1, et seq.

(d) Service of process.

1. Upon the filing of a consumer credit or residential mortgage foreclosure action, in addition to providing the Sheriff with a certified copy of the civil action to be served, the Plaintiff shall also provide the Sheriff with a copy of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff shall serve both the writ or complaint and the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants named in the litigation. If the case involves a residential mortgage

foreclosure action, in the event the Sheriff is unable to personally serve the defendants with the civil action papers and the Notice, the Sheriff shall post the residential mortgaged property, which is the subject of the residential mortgage foreclosure proceeding, with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff's return shall reflect the date and posting of said Notice on the property. For residential mortgage foreclosure actions, the posting of Notice on the residential property shall constitute service of said "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants for purposes of compliance with the local rules concerning the Consumer Credit or Residential Mortgage Foreclosure Diversion Program.

2. For cases filed prior to the effective date of this rule where original service of the complaint has been previously completed, the notice may be served by certified mail to the record address of the Defendant or to Defendant's counsel of record, if any. The date of service shall be the date when the certified mail is delivered to Defendant or Defendant counsel: If no original service of the complaint has been completed, service of the notice shall be as per L1143(d)(1).

(e) Before action will be scheduled for consideration before the assigned judge or for arbitration, the plaintiff/lender must file an Affidavit which discloses the date and manner of service of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program"; whether or not the defendant/borrower has opted to participate in the Consumer Credit Residential Mortgage Foreclosure Diversion Program; and if the defendant/borrower has opted to participate in a court-supervised conciliation program, whether or not any Case Management Order proceedings or conciliation conferences are pending, and whether or not there is a present court-ordered stay in effect. The format for said affidavit is as follows:

IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**AFFIDAVIT OF SERVICE AND STATUS PURSUANT
TO BUTLER COUNTY RULE OF CIVIL
PROCEDURE
L-1143(e) AND L-1034(a) 1 AND L-1035.2(a)(1) AND
L-3129.1(b) AND L-3256
STATUS OF CONSUMER CREDIT OR
RESIDENTIAL MORTGAGE FORECLOSURE
DIVERSION PROGRAM**

I, _____, counsel for Plaintiff, in the above action,
(name)
do hereby certify that on _____ the Defendant(s)
(date)
were served with "Notice of Consumer Credit or Residential
Mortgage Foreclosure Diversion Program" by
_____,
(method of service and by whom)
and that:

- (1) 30 days have passed since service of the Notice;
- (2) The Defendant(s) have not filed a Request for Conciliation Conference (Butler County Rule of Civil Procedure L-1143); or

(3) If a Request for Conciliation Conference has been filed, no Case Management Order proceeding or conciliation conferences are pending, and there is no present Court ordered Stay in effect.

Respectfully submitted:

(date)

(counsel)

Rule L-1143.1. Conciliation Conference in Consumer Credit or Residential Mortgage Foreclosure Actions.

(a) The defendant/borrower shall be entitled to participate in a court-supervised conciliation conference with the plaintiff/lender in all consumer credit or residential mortgage foreclosure actions. The defendant/borrower must complete a financial worksheet in a format set forth in this Rule in advance of the conciliation conference. If the defendant/borrower has already participated in a conciliation conference, the plaintiff/lender or the defendant/borrower may request the court to schedule an additional conference for good cause shown by presenting an appropriate motion before the court.

(b) To be eligible to participate in a conciliation conference, a self-represented/borrower must meet with one of the counselors identified in the Notice of Consumer Credit/Residential Mortgage Foreclosure Diversion Program (Rule L 205.2(c)), complete a financial worksheet *in the format approved by the Court and available through the office of the Prothonotary or Court Administration or Butler County Website, www.co.butler.pa.us*, and file a Request for Conciliation Conference on the form set forth in Butler County R.C.P. L-1143. If the defendant/borrower is represented by counsel, the defendant/borrower need not contact and meet with one of the identified counselors as a condition precedent to requesting a conciliation conference, provided that counsel for the defendant/borrower completes the prescribed financial worksheet form and files the request for conciliation form within the timelines set forth in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program".

(c) Upon receipt of a duly filed Request for Conciliation Conference form, as set forth in Butler County R.C.P. L-1143, a Case Management Order shall issue scheduling the next available conciliation conference list. The Case Management Order shall specify the date, time and place of the conciliation conference. Within ten (10) days of the issuance of the Case Management Order, the Plaintiff shall file with the Prothonotary and serve Defendant with a disclosure of contact information to provide the name, address, phone number, fax number and e-mail for the person authorized to discuss case status and resolution options with the Defendant and Defendant's representative. At least fourteen (14) days prior to the date of the conciliation conference, the defendant/borrower must serve upon the plaintiff's counsel, a copy of the Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program Financial Worksheet completed in full. Said worksheet is available in the Office of Prothonotary, Sheriff, or Court Administration or on the Butler County Website (www.co.butler.pa.us). A failure to serve said worksheet on Plaintiff's counsel may result in the case being removed from the conciliation conference schedule and the termination of the temporary stay of proceedings pursuant to the case management order. A sample Case Management Order is attached.

IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**CONSUMER CREDIT OR MORTGAGE
FORECLOSURE DIVERSION PROGRAM CASE
MANAGEMENT ORDER PURSUANT TO
BUTLER CO. R.C.P. 1143.1(c)**

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

1. The parties and their counsel are directed to participate in a court-supervised Conciliation Conference on _____ at 1:30 p.m. Court Room No. 4 of the Butler County Courthouse;

2. If Defendant/Borrower wants to request legal representation by Neighborhood Legal services (phone: 724-283-8888) or Butler County Bar Association Consumer Credit or Mortgage Foreclosure Diversion Program pro bono or by referral (phone: 724-841-0130) the Defendant/Borrower must IMMEDIATELY call to schedule an appointment.

3. Within ten (10) days of this Order, the Plaintiff shall file at the Prothonotary and serve on the Defendant a disclosure of name, address, phone number, fax number and email of the person or office who can be directly contacted by Defendant or Defendant counsel to discuss status and options to resolve the case.

4. At least fourteen (14) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender or its counsel a copy of the completed "Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program Financial Worksheet" in compliance with Butler County Local Rule L.R.C.P. 1143.1. The failure to do so may result in the removal of this case from the Conciliation Conference schedule and the termination of the temporary stay of proceedings issued pursuant to this Order.

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

6. At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which shall include: settlement, consent judgment; re-structuring of debt; bringing

the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to tender a monetary payment and to vacate in the near future in exchange for not contesting the matter; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty months; and the institution of bankruptcy proceedings.

7. All proceedings in this matter are stayed pending the completion of the scheduled conciliation conference and further Order of Court.

8. A copy of this Order and the Defendant's request for Conciliation Conference form shall be sent by the Prothonotary to all parties and legal counsel of record, Neighborhood Legal Services and Butler County Bar Association.

BY THE COURT:

(d) The defendant/borrower and counsel for the parties must attend the conciliation conference in person. An authorized representative of the plaintiff/lender must either attend the conciliation conference in person or be readily available by telephone during the course of the conciliation conference. The representative of the plaintiff/lender, who participates in the conciliation conference, must possess the actual authority to reach a mutually acceptable resolution. The court, in its discretion, may require the personal attendance of the authorized representative of the plaintiff/lender at any conciliation conference by special order.

(e) At the conciliation conference, the parties and their counsel shall be prepared to discuss all available resolution options which may include: settlement; consent judgment, re-structuring of debt; bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to vacate in the near future in exchange for not contesting the matter and a monetary payment; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying off the mortgage default over sixty (60) months; and the institution of bankruptcy proceedings.

Rule L3129.1. Notice of Sale of Real Property.

(a) If the real property sought to be sold pursuant to Pa.R.C.P. 3129.1 is a residential property, which serves as the primary residence of the defendant/borrower, unless the defendant/borrower has already been served with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" pursuant to Butler County Rule of Civil Procedure 205.2 (b), the plaintiff/lender must serve a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendant/borrower in the format set forth in Butler County Rule of Civil Procedure L-205.2 (b). In addition, the plaintiff/lender, (1) must file an affidavit which discloses the date and manner of service of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program," and (2) disclose whether or not the defendant/borrower has opted to participate in the Consumer Credit or Residential Mortgage Foreclosure Program, or, (3) if the defendant/borrower has participated in a court-supervised conciliation conference, that the consumer credit or residential mortgage foreclosure claim was not resolved and no further conciliation conferences are scheduled.

(b) The affidavit required by L.R.C.P. 3129.1(a) shall be filed with the Prothonotary, and a copy shall be delivered to the Sheriff's Office before any residential property may be listed for Sheriff's sale. The affidavit required by this rule shall be in the format set forth at local rule L-1143(e).

(c) If a defendant/borrower in a residential foreclosure action has taken the affirmative steps identified in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference, the defendant/borrower shall file with the Prothonotary a Request for Conciliation Conference as set forth in Butler County Rule of Civil Procedure L-1143, which shall also be served upon counsel for the plaintiff/lender and the Sheriff. Upon receipt of the Request for Conciliation Conference, a Case Management Order pursuant to Butler County Rule of Civil Procedure L-1143.1(c) shall issue.

Rule L-3256. Praeceptum for Writ Mortgage Foreclosure.

In addition to the requirements of Pa.R.C.P. 3256, in a residential mortgage foreclosure proceeding, the plaintiff/lender shall provide an affidavit pursuant to Butler County Rule of Civil Procedure L-3129.1(b). In the event there has been no Notice of Residential Mortgage Foreclosure Diversion Program served upon the defendant at any earlier point in the mortgage foreclosure process, the plaintiff/lender shall include with the Praeceptum for Writ a Notice of Residential Mortgage Foreclosure Diversion Program form as provided under L-205.2(b). Said Notice shall be served by the plaintiff/lender in accordance with L-402(c). No further action shall be available to the plaintiff/lender after the filing of the writ of execution until such time as the plaintiff/lender files an Affidavit following service of the Notice of Residential Mortgage Foreclosure Diversion Program in the format set forth at L-1143(e).

[Pa.B. Doc. No. 09-1829. Filed for public inspection October 2, 2009, 9:00 a.m.]

WESTMORELAND COUNTY

In Re: Rescinding Orphans' Court Rules WO301 and WO302 and Adopting Rules WO301, WO302, WO303, WO304 and WO305; No. 65-96-214

Order

And Now this 17th day of September, 2009 it is *Hereby Ordered* that Westmoreland Rules of Orphans' Court WO301 and WO302 are rescinded and new Rules WO301, WO302, WO303, WO304, and WO305 are adopted.

By the Court

JOHN E. BLAHOVEC,
President Judge

Rule WO301. Voluntary Relinquishment to Agency.

(a) Court Proceedings—Voluntary Termination of Natural Mother's Parental Rights

When the natural mother of a child petitions the court to voluntarily terminate her parental rights and alleges in her petition that the identity and/or domicile of the birth father is unknown, she shall testify, under oath, as to the circumstances of the conception including, but not limited to, a physical description of the alleged natural

father, his name, nickname or alias, his occupation or alleged occupation, his home or region or origin, and any subsequent contact with him.

(b) Notice to Unknown Father

The notice to "Unknown Father" shall, pursuant to 23 Pa.C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa.O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father."

(a) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:

(1) terminate the parental rights of the birth parents of the child proposed to be adopted;

(2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or

(3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

Rule WO302. Voluntary Relinquishment to Adult Intending to Adopt Child.

(a) Court Proceedings—Voluntary Termination of Natural Mother's Parental Rights

When the natural mother of a child petitions the court to voluntarily terminate her parental rights and alleges in her petition that the identity and/or domicile of the birth father is unknown, she shall testify, under oath, as to the circumstances of the conception including, but not limited to, a physical description of the alleged natural father, his name, nickname or alias, his occupation or alleged occupation, his home or region or origin, and any subsequent contact with him.

(b) Notice to Unknown Father

The notice to "Unknown Father" shall, pursuant to 23 Pa.C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa.O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father."

(c) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:

(1) terminate the parental rights of the birth parents of the child proposed to be adopted;

(2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or

(3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

Rule WO303. Involuntary Termination of Parental Rights.**(a) Notice to Unknown Father**

The notice to "Unknown Father" shall, pursuant to 23 Pa.C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa.O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father."

(b) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:

(1) terminate the parental rights of the birth parents of the child proposed to be adopted;

(2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or

(3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

Rule WO304. Notice; Method and Time.

Prior to attempting Notice by Publication pursuant to Pa. Orphans' Court Rule 15.6(2), the attorney or parent seeking to affect Notice by Publication must first obtain Court approval.

Rule WO305. Medical Testimony.

(a) Unless objections are filed at least 10 days prior, testimony in termination of parental rights proceedings of experts including physicians, psychologists and other medical professionals may be taken by two-way advanced communication technology including video conferencing equipment and speaker phones.

(b) All documents in a foreign language shall be translated into English. The translation shall be typed and a certificate of accurate translation shall be attached.

[Pa.B. Doc. No. 09-1830. Filed for public inspection October 2, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 147]

Annual Audited Insurers' Financial Report Required

The Insurance Department (Department) amends Chapter 147 of the Department's regulations (relating to Annual Audited Insurers' Financial Report Required) to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) relating to the general rulemaking authority of the Department; sections 320, 630, 1007 and 2452 of The Insurance Company Law of 1921 (40 P.S. §§ 443, 764a, 967 and 991.2452) relating to the authority of the Insurance Commissioner (Commissioner) to require insurance companies, associations, exchanges, fraternal benefit societies and preferred provider organizations to file statements concerning their affairs and financial condition; and sections 205 and 206 of The Pennsylvania Fair Plan Act (40 P.S. §§ 1600.205—1600.206); section 731 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.731); 40 Pa.C.S. §§ 6125, 6331 and 6701 (relating to reports and examinations; and regulation); sections 11 and 14 of the HMO Act (40 P.S. §§ 1561 and 1564); sections 7 and 25 of the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3207 and 3225) which respectively, relate to the specific regulatory and rulemaking authority of the Department regarding financial reporting by the Pennsylvania Fair Plan, the Pennsylvania Professional Liability Joint Underwriting Association, hospital plan corporations, professional health service corporations, beneficial associations, health maintenance organizations and continuing care providers.

Purpose

The purpose of this rulemaking is to update Chapter 147, commonly referred to as the "CPA Audit Rule." Chapter 147 was initially adopted in 1979 and requires insurers to have annual audits of their year-end statutory financial statements performed by independent certified public accountants (CPAs). It is based on a model regulation developed by the National Association of Insurance Commissioners (NAIC) and included in the NAIC's Financial Regulation Standards and Accreditation Program.

The amendments in this rulemaking are consistent with a new version of the NAIC model adopted in 2006, entitled "Annual Financial Reporting Model Regulation" (Model Regulation 205). The revised NAIC model was developed as a result of the NAIC's review of The Sarbanes-Oxley Act of 2002, also known as the Public Company Accounting Reform and Investor Protection Act of 2002 or the Sarbanes-Oxley Act of 2002, and includes provisions related to auditor independence, corporate governance and internal control over financial reporting. The Department expects that the proposed amendments to Chapter 147 will be required for the Department to maintain accreditation by the NAIC beginning in 2010.

Comments and Response

Notice of proposed rulemaking was published at 39 Pa.B. 841 (February 14, 2009) with a 30-day comment period. Comments were received from The Pennsylvania Association of Mutual Insurance Companies (PAMIC), The Insurance Federation of Pennsylvania, Inc. (IFP) and the Pennsylvania Institute of Certified Public Accountants (PICPA) during the 30-day comment period. The Independent Regulatory Review Commission (IRRC) submitted its comments to the Department on April 15, 2009.

The following is a discussion of all comments and changes in the final-form rulemaking.

PAMIC and PICPA expressed support of the rulemaking and noted the importance of consistency with the NAIC model. IFP also expressed strong support for the rulemaking on behalf of its members and national counterparts with recommendations for technical corrections and clarifications consistent with the NAIC model. IRRC noted the IFP's suggestions and encouraged the Department to make revisions that improve upon clarity and consistency with Nationwide standards. The Department agrees with these suggestions and has made the following revisions to the regulation.

Section 147.3a. Requirements for audit committees.

Subsection (g) provides for exemptions from certain requirements relating to audit committees. IFP recommended several revisions to improve upon the subsection's purpose, clarity and consistency with the NAIC model. Specifically, subsection (g)(1) has been revised to replace "This section does not apply" with "The requirements of subsections (b), (c), (e) and (f) do not apply." This revision is needed to clarify that every insurer required to file an annual audited financial report under the chapter is required to establish an audit committee. Subsection (g)(2) has been revised to delete the references to foreign insurers, Sarbanes-Oxley compliant entities or direct or indirect wholly-owned subsidiaries of Sarbanes-Oxley compliant entities. Foreign insurers are exempt from the entire regulation under § 147.13(f) if they file annual audited financial reports in a domiciliary state that has a substantially similar law. Sarbanes-Oxley compliant entities or direct or indirect wholly-owned subsidiaries of Sarbanes-Oxley compliant entities have been added to subsection (g)(3) to clarify that these entities have to meet the requirements of subsection (f) for audits done under statutory as opposed to GAAP accounting principles.

Section 147.4. Contents of annual audited financial report.

Subsection (b)(3) requires an annual audited financial report to include the communication of internal control related matters noted in the audit as provided under § 147.9a (relating to establishment and communication of internal control over financial reporting). The subsection has been clarified by adding "in accordance with AU Section 325 of the Professional Standards of the American Institute of Certified Public Accountants (SAS 112) *Communicating Internal Control Related Matters Identified in an Audit*, or its replacement."

Section 147.6. Recognition, qualification and responsibilities of an independent certified public accountant.

Subsection (d) has been revised to extend the 2-year disqualification period to 5 years consistent with the

NAIC model. Subsection (f)(3) has been revised to begin with “During the fiscal year in which non-audited services are provided,” to clarify the applicability of this requirement consistent with the NAIC model.

Section 147.6a. Letter of qualifications of independent certified public accountant.

In paragraphs (6) and (7), the word “declaration” has been replaced with “representation” to be consistent with the NAIC model.

Affected Parties

The chapter applies to all types of insurers and continuing care providers licensed to transact business in this Commonwealth and the accountants retained by these entities to conduct audits of their annual financial statements.

Fiscal Impact

State Government

The rulemaking will strengthen and clarify existing regulatory requirements. There will be no material increase in cost to the Department as a result of this rulemaking.

General Public

The public will benefit to the extent the rulemaking strengthens financial solvency regulatory requirements for insurers, thereby promoting the ability of the insurance industry to meet obligations under insurance policies.

Political Subdivisions

The rulemaking will not impose additional costs on political subdivisions.

Private Sector

The rulemaking would impose additional costs on insurers that are not currently subject to audit committee and internal control reporting requirements. However, the strengthened requirements are consistent with national standards to be adopted by all states participating in the NAIC Financial Regulation Standards and Accreditation Program. The rulemaking minimizes costs by including a number of exemptions for smaller insurers and insurers already subject to similar requirements under insurance holding company and SEC laws and regulations.

Paperwork

The rulemaking would not impose additional paperwork on the Department. The amendments would require insurers to file new reports relating to internal control over financial reporting; however, the rulemaking may reduce paperwork to the extent that it provides for the filing of documents in electronic form.

Effectiveness/Sunset Date

The rulemaking will become effective January 1, 2010. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

Contact Person

Any questions regarding the final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Department submitted a copy of these final-form regulations on July 20, 2009, to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee (Committees). In addition to the submitted regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, “Regulatory Review and Promulgation.” A copy of that material is available to the public upon request.

In preparing these final-form regulations, the Department considered all comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the Committees on August 19, 2009. Under section 5(g) of the Regulatory Review Act, the final-form regulations were approved, effective August 20, 2009.

Findings

The Insurance Commissioner finds that:

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

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Department, 31 Pa. Code Chapter 147, are amended by amending §§ 147.1—147.3, 147.5, 147.8, 147.9, 147.13, 147.14; by deleting §§ 147.10, 147.12 and 147.15; and by adding §§ 147.6b, 147.9a and 147.9b to read as set forth at 39 Pa.B. 841; and by amending §§ 147.4 and 147.6 and by adding §§ 147.3a and 147.6a to read as set forth in Annex A.

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

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

(d) The final-form regulations adopted by this order take effect January 1, 2010.

JOEL SCOTT ARIO,
Insurance Commissioner

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 5279 (September 5, 2009).)

Fiscal Note: 11-238. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 147. ANNUAL FINANCIAL REPORTING REQUIREMENTS

§ 147.3a. Requirements for audit committees.

(a) Every insurer required to file an annual audited financial report under this chapter shall establish an audit committee.

(b) An ultimate controlling person may designate an audit committee of a controlling person to be the audit committee for one or more controlled insurers. The designation must:

- (1) Be in writing.
- (2) Identify the ultimate controlling person.

(3) Explain the basis for the designation in sufficient detail for the Department to determine compliance with this chapter.

(4) Be provided by the ultimate controlling person or the insurer to the Department and the chief insurance regulatory official of each other state in which the controlled insurers are domiciled no later than April 1 of the year in which the insurer's audited financial report is required to be filed under this chapter.

(5) Be effective upon receipt by the Department and remain in effect unless modified or rescinded by subsequent notice provided by the ultimate controlling person or the insurer as required under paragraph (4).

(c) Each member of the audit committee shall be a natural person who is either a member of the board of directors of the insurer or a member of the board of directors of a controlling person whose audit committee has been designated as the insurer's audit committee under subsection (b).

(d) If an audit committee other than the entire board of directors of the insurer has not been established by the insurer or designated by an ultimate controlling person under subsection (b), the insurer's entire board of directors shall constitute the audit committee.

(e) A proportion of an audit committee's members shall be independent in accordance with the following requirements:

(1) The proportion of an audit committee's members who shall be independent shall be calculated as follows:

(i) When an insurer's direct written and assumed premiums are less than or equal to \$300,000,000 at the end of the most recent calendar year, 0% of the members are required to be independent.

(ii) When an insurer's direct written and assumed premiums exceed \$300,000,000 but are not more than \$500,000,000 at the end of the most recent calendar year, at least 50% of members are required to be independent.

(iii) When an insurer's direct written and assumed premiums exceed \$500,000,000 at the end of the most recent calendar year, at least 75% of members of the audit committee are required to be independent.

(2) If an audit committee of a controlling person has been designated to be the audit committee for one or more controlled insurers, the proportion of audit committee members who shall be independent shall be based on the insurer in the group with the greatest direct written and assumed premium.

(3) If an insurer's direct written and assumed premiums meet or exceed the direct written and assumed premiums threshold in paragraph (1)(ii) or (iii) as of the end of a calendar year, the insurer shall comply with the required minimum proportion of independent audit committee members by January 1 following the next full calendar year, as described in the NAIC Implementation Guide.

(4) To be considered independent for purposes of this subsection, an audit committee member may not:

(i) Be an affiliate of the insurer.

(ii) Accept any consulting, advisory or other compensatory fee from the insurer or an affiliate of the insurer other than in the member's capacity as a member of the audit committee, board of directors or any other board committee.

(5) If an audit committee member ceases to be independent under this chapter, the person may remain an audit committee member until the earlier of the next annual meeting of the insurer or controlling person or 1 year from the occurrence of the event that caused the member to be no longer independent, if the insurer or ultimate controlling person provides the Department with written notice within 15 days of the occurrence of the event.

(f) The audit committee shall retain an independent certified public accountant to conduct the annual audit and issue an audited financial report under this chapter in accordance with the following requirements:

(1) The audit committee shall be directly responsible for the appointment, compensation and oversight of the work of the independent certified public accountant and resolve disagreements between management and the independent certified public accountant relating to financial reporting for the purpose of preparing or issuing the audited financial report or related work under this chapter.

(2) The independent certified public accountant retained to conduct the annual audit under this chapter shall report directly to the audit committee. The audit committee shall require the independent certified public accountant to report to the audit committee in sufficient time to enable the committee to take appropriate action as required by Statement on Auditing Standards 114 (SAS 114), *The Auditor's Communication with Those Charged With Governance*, or successor publication and all of the following requirements:

(i) All significant accounting policies and material permitted practices.

(ii) All material alternative treatments of financial information within statutory accounting principles that have been discussed with the management of the insurer, ramifications of the use of alternative disclosures and treatments, and the treatment preferred by the independent certified public accountant.

(iii) Other material written communications between the independent certified public accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.

(3) The report required under paragraph (2) may be provided to the audit committee on an aggregate basis for insurers in an insurer group, if the report identifies any substantial differences in reported items among the insurers in the group.

(g) Exemptions are as follows.

(1) The requirements of subsections (b), (c), (e) and (f) do not apply to an insurer with direct written and assumed premiums less than \$500,000,000, excluding premiums reinsured with the Federal Crop Insurance Corporation and the Federal Flood Program, which has been granted an exemption by the Department on the basis of financial or organizational hardship under § 147.13(g) (relating to effective date and exemption).

(2) This section does not apply to continuing care providers.

(3) The requirements of subsections (b)—(e) do not apply to insurers subject to section 1405(c)(4) and (5) of The Insurance Company Law of 1921 (40 P. S. § 991.1405(c)(4) and (5)), Sarbanes Oxley complaint entities or direct or indirect wholly owned subsidiaries of Sarbanes Oxley complaint entities.

(h) This section may not be interpreted to limit the Department's authority to require an insurer to take specific corrective action relating to the independence of audit committee members under sections 501—563, 501-A—515-A, and 501-B—515-B of The Insurance Department Act of 1921 (40 P. S. §§ 221.1—221.63, 221.1-A—221.15-A, and 221.1-B—221.15-B) (relating to suspension of business and risk-based capital requirements), 31 Pa. Code Chapter 160 (relating to standards to define insurers deemed to be in hazardous financial condition) or other provisions of law.

§ 147.4. Contents of annual audited financial report.

(a) The annual audited financial report shall reflect the financial condition of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the Department. Statutory accounting practices are those practices and procedures prescribed by the Accounting Practices and Procedures Manuals published by the National Association of Insurance Commissioners, or as otherwise prescribed or provided by specific statutes, regulations, orders or rulings of the Commonwealth or the Department.

(b) The annual audited financial report must, at a minimum, include the following:

(1) Financial statements that present in a comparable manner, as of the end of the current and the preceding calendar year, the financial condition of the insurer, including the following:

- (i) Statement of admitted assets, liabilities, capital and surplus.
- (ii) Statement of operations.
- (iii) Statement of cash flows.
- (iv) Statement of changes in capital and surplus.

(2) Notes to financial statements. These notes shall be those required by the appropriate National Association of Insurance Commissioners Annual Statement Instructions and Accounting Practices and Procedures Manual. The notes must include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statements filed with the Department, with a written description of the nature of these differences, particularly with respect to surplus or stockholder equity and the results of operations. The Commissioner may require the insurer to file an amendment to its annual

statement with the Department, the NAIC and other states in which the insurer is licensed, to reflect differences between the audited statutory financial statement and the annual statement filed with the Department within 60 days of the filing date of the audited financial report. The Commissioner may require amendments to financial statements to be filed with the Department and the NAIC in a form of electronic transmission acceptable to the Commissioner.

(3) The report of an independent certified public accountant prepared in compliance with this chapter, including notification of adverse financial condition, communication of internal control related matters noted in the audit in accordance with AU section 325 of the Professional Standards of the American Institute of Certified Public Accountants (SAS 112) Communicating Internal Control Related Matters Identified in an Audit, or its replacement, and letter of qualifications of the independent certified public accountant.

(c) The financial statements included in the audited financial report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the annual statement of the insurer filed with the Department, and the financial statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. In the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted if sufficient detail is made available to the Department upon request. An account which represents less than 5% of the insurer's admitted assets may be aggregated for reporting purposes, except that all invested asset accounts shall be separately reported.

(d) If an error is discovered after a report is filed, the independent certified public accountant shall withdraw the report and issue a corrected report to the insurer and to the Department within 30 days of the date the independent certified public accountant becomes aware of the discovery of the error. To the extent that the error requires an amendment to the insurer's annual financial statement filed with the Department, the insurer shall file, within 60 days of the date the corrected report is issued, an amendment to its annual statement with the Department, the National Association of Insurance Commissioners and other states in which the insurer is licensed, to reflect differences between the corrected audited statutory financial statement and the annual statement filed with the Department and including reconciling notes as required by the appropriate National Association of Insurance Commissioners *Annual Statement Instructions and Accounting Practices and Procedures Manual*. The Commissioner may require amendments to financial statements to be filed with the Department and the National Association of Insurance Commissioners in a form of electronic transmission acceptable to the Commissioner.

(e) Subsections (a)—(d) do not apply to continuing care providers. The annual audited financial report for a continuing care provider shall comply with the following:

(1) The annual audited financial report for a nonprofit continuing care provider shall reflect its financial condition as of the end of its most recent fiscal year and the results of its activities, cash flows and changes in net assets for the fiscal year then ended in conformity with generally accepted accounting principles. The annual audited financial report shall, at a minimum, include the following:

(i) Financial statements that present in a comparable manner, as of the end of the current and the preceding fiscal year, or the period of time that the continuing care provider has been in existence, whichever is shorter, the financial condition of the continuing care provider, including balance sheet, statements of activities, cash flows, changes in net assets and notes to financial statements.

(ii) Report of an independent certified public accountant prepared in compliance with this chapter, including notification of adverse financial condition, report on significant deficiencies in internal controls and letter of qualifications of the independent certified public accountant.

(2) The annual audited financial report for a for-profit continuing care provider shall reflect its financial condition as of the end of its most recent fiscal year and the results of its operations, cash flows and changes in shareholder's equity for the year then ended in conformity with generally accepted accounting principles. The annual audited financial report shall, at a minimum, include the following:

(i) Financial statements that present in a comparable manner, as of the end of the current and the preceding fiscal year, or the period of time that the continuing care provider has been in existence, whichever is shorter, the financial condition of the continuing care provider, including balance sheet, statements of net income, cash flows, shareholder's equity and comprehensive income, and notes to financial statements.

(ii) Report of an independent certified public accountant prepared in compliance with this chapter, including notification of adverse financial condition, report on significant deficiencies in internal controls and letter of qualifications of the independent certified public accountant.

(3) If an error is discovered after an annual audited financial report is filed, the independent certified public accountant shall withdraw the report and issue a corrected report within 30 days of the date the independent certified public accountant becomes aware of the discovery of the error.

§ 147.6. Recognition, qualification and responsibilities of an independent certified public accountant.

(a) An annual audited financial report must be prepared by a qualified independent certified public accountant recognized by the Commissioner.

(b) Except for insurers organized in Canada or the United Kingdom of Great Britain and Northern Ireland, the Commissioner will not recognize a person or firm as a qualified independent certified public accountant nor accept an annual audited financial report prepared in whole or in part by the person or firm under any of the following conditions:

(1) The person is not licensed, or the firm is not registered, to practice and is not in good standing under the laws of the Commonwealth or of a state with licensing requirements similar to the Commonwealth.

(2) The person or firm is not in good standing with the American Institute of Certified Public Accountants, Inc. and, if applicable, the Public Company Accounting Oversight Board.

(3) The person or firm is not in good standing in all states in which the person is licensed, or the firm is registered, to practice.

(4) The person or firm has entered into an agreement of indemnity, or other release from liability, that would shift, transfer, or limit in any manner the potential liability of the person or firm for failure, whether by omission or commission, to adhere to applicable auditing or professional standards, whether or not the failure would result in whole or in part from misrepresentations made by the insurer or its representatives.

(5) The person or firm employed a partner or senior manager who was involved in an audit of the insurer during the 1 year period preceding the date that the most current annual audited financial report is due and who currently serves as a member of the board of directors, president, chief executive officer, controller, chief financial officer, chief accounting officer, or in any equivalent position for the insurer.

(6) The person or firm provides to the insurer contemporaneously with the audit any of the following non-audit services:

(i) Bookkeeping or other services relating to the insurer's accounting records or financial statements.

(ii) Financial information systems design and implementation.

(iii) Appraisal or valuation services, fairness opinions or contribution-in-kind reports.

(iv) Actuarial advisory services.

(v) Internal audit outsourcing services.

(vi) Management functions or human resource services.

(vii) Broker or dealer, investment adviser or investment banking services.

(viii) Legal or expert services unrelated to the audit.

(c) For an insurer organized in Canada or the United Kingdom of Great Britain and Northern Ireland, the Commissioner will not recognize a person or firm as a qualified independent public accountant nor accept an annual audited financial report prepared in whole or in part by the person or firm under any of the following conditions:

(1) The person or firm is not a chartered accountant.

(2) The person or firm has entered into an agreement of indemnity, or other release from liability, that would shift, transfer, or limit in any manner the potential liability of the person or firm for failure, whether by omission or commission, to adhere to applicable auditing or professional standards, whether or not the failure would result in whole or in part from misrepresentations made by the insurer or its representatives.

(3) The person or firm meets the criteria of subsection (b)(5) or provides to the insurer contemporaneously with the audit any of the nonaudit services prohibited under subsection (b)(6) and the insurer has not been granted an exemption under subsection (h).

(d) The qualified independent certified public accountant's lead partner or other person primarily responsible for an insurer's audit may not act in that capacity for more than 5 consecutive years. Following a 5-year period of service, the person will be disqualified from acting in that or a similar capacity for the same insurer or its insurance subsidiaries or affiliates for 5 consecutive years.

(e) A qualified independent certified public accountant who performs an audit for an insurer may only engage in

nonaudit services, including tax services, for the insurer if all of the following requirements are met:

(1) The services are not prohibited under subsection (b)(6).

(2) The independent certified public accountant does not function in the role of management, audit his own work or serve in an advocacy role for the insurer.

(3) The services have been approved in advance by the insurer's audit committee under subsection (f).

(f) Auditing and nonaudit services provided to an insurer by the insurer's qualified independent certified public accountant shall be preapproved in writing by the insurer's audit committee, except that preapproval of nonaudit services is not required if any of the following criteria are met:

(1) The insurer is a Sarbanes-Oxley compliant entity.

(2) The insurer is a direct or indirect wholly-owned subsidiary of a Sarbanes-Oxley compliant entity.

(3) During the fiscal year in which nonaudited services are provided, the aggregate amount of the nonaudit services constitute 5% or less of the total amount of fees paid or owed by the insurer to the qualified independent certified public accountant.

(g) An insurer's audit committee may delegate the authority to grant the preapprovals required under subsection (f) to one or more designated members of the audit committee. A decision of any member to whom this authority is delegated shall be presented to the full audit committee at the next scheduled meeting.

(h) The following provisions apply to applications for relief and exemptions.

(1) An insurer may apply to the Commissioner for relief from subsection (b)(5) or subsection (d), or both, on the basis of unusual circumstances. In determining whether relief should be granted, the Commissioner may consider the following factors:

(i) The number of partners, the expertise of the partners or the number of insurance or continuing care provider clients in the currently registered firm.

(ii) The premium volume of the insurer or revenue volume of the continuing care provider.

(iii) The number of jurisdictions in which the insurer transacts business.

(2) If relief is granted, the insurer shall include a copy of the granted relief with its audited financial report filed under § 147.3(a) (relating to filing and extensions for filing required reports and communications).

(3) An insurer with direct written and assumed premium less than \$100,000,000 in a calendar year may apply for exemption from subsection (b)(6) on the basis of financial or organizational hardship under § 147.13(g) (relating to effective date and exemption).

(4) The requirements of subsection (b)(5) and (6) and subsections (e), (f) and do not apply to continuing care providers.

(i) The Commissioner will not recognize as a qualified independent certified public accountant, nor accept an annual audited financial report prepared in whole or in part by a natural person who meets one of the following conditions:

(1) The person has been convicted of fraud, bribery, a violation of 18 U.S.C.A. Chapter 96 (relating to the

Racketeer Influenced and Corrupt Organizations) or any dishonest conduct or practice under Federal or state law.

(2) The person has been found to have violated the insurance laws of the Commonwealth with respect to previous reports submitted under this chapter.

(3) The person has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under this chapter.

(j) The Commissioner may hold a hearing in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and Chapters 56 and 58 (relating to special rules of administrative practice and procedure; and publication of citations and notice of hearings) to determine whether a certified public accountant is qualified and, considering the evidence presented, may rule that the accountant is not independent or qualified, or both, for purposes of expressing an opinion on the financial statements in the audited financial report made under this chapter and may require the insurer to replace the certified public accountant.

(k) A qualified independent certified public accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration. However, in the event of a receivership proceeding commenced against the insurer under Article V of The Insurance Department Act (40 P. S. §§ 221.1—221.63), the mediation or arbitration agreement may be disavowed by the statutory receiver.

(l) If the Commissioner has reason to believe that an audit performed contains a material departure from generally accepted auditing standards, the Commissioner may refer the matter to the State Board of Accountancy and the American Institute of Certified Public Accountants, Inc., for review and determination. Upon the finding by the State Board of Accountancy or the American Institute of Certified Public Accountants, Inc., that a certified public accountant violated applicable standards relating to competence, the performance of audits, accounting principles or other professional conduct, the Commissioner will not accept the audited financial report for that audit and will no longer accept audited financial statements certified by that certified public accountant.

(m) Within 60 days of receipt of notice from the Commissioner of a finding under subsection (h) that an audit contains a material departure from generally accepted auditing standards, the insurer for which the audit was performed shall register with the Commissioner the name and address of a qualified independent certified public accountant retained by the insurer to perform an audit in compliance with this chapter for the year for which the finding was made. The audited financial report for the year for which the finding was made shall be filed within a time period to be determined by the Commissioner.

§ 147.6a. Letter of qualifications of independent certified public accountant.

The independent certified public accountant shall furnish the insurer for inclusion in the filing of the annual audited financial report a letter of qualifications that includes the following:

(1) A statement that the certified public accountant is independent from the insurer and conforms to the standards of the profession as contained in the Code of Professional Ethics and pronouncements of the American Institute of Certified Public Accountants, Inc. and The C.P.A. Law (63 P. S. §§ 9.1—9.16(b)) or similar laws.

(2) A general description of the independent certified public accountant's background and experience.

(3) A specific description of the insurer auditing experience of partners, senior managers, in-charge auditors or other key staff persons assigned to the engagement and a statement as to whether each staff person is an independent certified public accountant. This provision does not prohibit the independent certified public accountant from utilizing staff as the independent certified public accountant deems appropriate when consistent with the standards prescribed by generally accepted auditing standards.

(4) A statement that the independent certified public accountant understands that the annual audited financial report that the independent certified public accountant's opinion thereon will be filed in compliance with this chapter and that the Commissioner will be relying on this information in the monitoring and regulation of the financial position of insurers.

(5) A statement that the independent certified public accountant consents to the requirements of § 147.11 (relating to definitions, availability and maintenance of independent certified public accountant workpapers) and that the independent certified public accountant consents and agrees to make available for review by the Commissioner, the Commissioner's designee or Department examiners, the workpapers, as defined in § 147.11.

(6) Representation that the independent certified public accountant is properly licensed by an appropriate state licensing authority and is a member in good standing in the American Institute of Certified Public Accountants, Inc.

(7) Representation that the independent certified public accountant is in compliance with § 147.6 (relating to recognition, qualification and responsibilities of an independent certified public accountant).

[Pa.B. Doc. No. 09-1831. Filed for public inspection October 2, 2009, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 91, 97, 101, 105, 109 and 111]

General Provisions and Boating

The Fish and Boat Commission (Commission) amends Chapters 53, 91, 97, 101, 105, 109 and 111. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission's boating regulations.

A. Effective Date

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

B. Contact Person

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available electronically through the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property). The amendments to §§ 91.5, 97.1, 101.5, 105.3 and 109.1 are published under the statutory authority of section 5123 (relating to general boating regulations). The amendment to § 109.6 (relating to special marine events) is published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics). The amendments to §§ 111.17 and 111.20 (relating to Clearfield County; and Crawford County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The final-form rulemaking is designed to update, modify and improve the Commission's boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. On June 9, 2009, the Commission's Boating Advisory Board (BAB) considered each of the amendments and recommended that the Commission adopt the amendments as set forth at 39 Pa.B. 1870 (April 11, 2009).

E. Summary of Changes

(1) Sections 53.8 and 97.1 (relating to boats; and personal floatation devices) have been amended to clarify provisions on personal floatation devices (PFDs). Section 97.1(f) of the Commission's regulations follows the *Code of Federal Regulations* that excludes racing shells, rowing sculls and racing kayaks from the requirements for PFDa. However, this subsection provides that the exemption does not apply on Commission and State Park owned or controlled boating waters. Section 53.8 of the Commission's regulations similarly requires occupants of skulls, shells and racing kayaks to carry or wear Coast Guard approved PFDs on Commission property.

This type of boating is somewhat exclusive due to its nature. Most often, racing shells, sculls and kayaks are used by high school, college or university students or special clubs. They are, with few exceptions, very safe boaters, and the accident record for these boats do not point to a need for requiring PFDs for their occupants. Moreover, there is no support to require occupants of these boats to wear PFDs on small Commission lakes when they are not required to carry them onboard on larger waters.

Section 91.7(f) also provides detailed information on what type of PFDs must be carried by the safety boat accompanying the shells, sculls or racing kayaks. However, § 97.1(f) does not, and may not (because of the Federal regulations), require that a safety boat is present. Therefore, it does not make sense to stipulate requirements for safety boats when the safety boats are not required to be on the scene under the Federal regulations. Also, this section states that safety boats shall carry a sufficient number of Type I, II, III or V PFDs for the occupants of the racing boats that they accompany. Any PFDs required to be carried, however, should be the type that can easily be thrown to someone in the water (for example, Type IV throwable PFDs). Moreover, the accident record for these boats does not point to the need for requiring PFDs on safety boats. Accordingly, the Commission adopted the amendments to §§ 53.8 and 97.1 to read as set forth at 39 Pa.B. 1870.

(2) Section 91.5 was amended in regards to boat operation. The Commission's current regulations do not include

a provision making it unlawful for a boat owner knowingly to allow someone to operate a boat without a boating safety education certificate onboard when the individual is required to have one. The Commission's law enforcement staff has requested that this requirement be added. The Commission therefore amended § 91.5 to read as set forth at 39 Pa.B. 1870.

(3) Section 101.5 has added "upon written request" to the provision on requesting abstracts. The confidentiality of boating accident reports is covered in detail in section 5503 of the code (relating to accident reports) and in § 101.5 of the Commission's regulations. The Commission receives requests for certified abstracts for specific boating accidents. This is the only information that can be released from the Boating Accident Report (PFC-260) filed by the boat operator or owner who was involved in a reportable, recreational boating accident. Commission staff has required that such requests be in writing and has accepted e-mails as sufficient. Accordingly, the Commission amended § 101.5 to read as set forth at 39 Pa.B. 1870.

(4) Section 105.3 was amended to specify safe boating practices. The existing regulation concerning pontoon boats allows passengers to ride outside the normal passenger carrying area when the pontoon boat is travelling at slow, no wake speeds. This is an unsafe practice because the passenger can very easily fall overboard, even at the reduced, slow, no-wake speed. Because of the nature of the hull design of pontoon boats, slow, no-wake can be a faster speed than on single hull boats, such as a runabout. If the passenger is in the bow of the boat and falls overboard, he will most likely be struck by the boat's propeller with catastrophic results. This very scenario took place last year on a lake in western Pennsylvania when the pontoon boat operator unexpectedly hit a log, causing a boy, who was riding on the bow outside of the normal passenger carrying area to fall overboard and be struck by the boat's propeller.

The BAB considered the proposed amendment and recommended that the Commission's staff review the proposal to determine whether it places an unfair restriction on passengers riding in installed seating on the bow, outside the continuous railing on the boats, at slow, no-wake speed and whether an accommodation should be made to permit this practice. The proposed amendment was reviewed further and it was determined that it is not overly burdensome and sitting in seats outside the railing of pontoon boats at any speed, even slow, no-wake, is a dangerous practice and one that should not be permitted. The Commission therefore amended § 105.3 to read as set forth at 39 Pa.B. 1870.

(5) Section 109.1 of the Commission's regulations provides detailed standards for the construction of air boats. However, there is no known example of this regulation being enforced in any part by Commission officers. In fact, a recent technical inquiry by a member of the general public about this regulation could not be answered because there are no known sources for the content of this regulation. There are very few airboats in this Commonwealth, and the Commission's law enforcement staff has had few issues with operators of these unusual boats. The Commission therefore rescinded § 109.1 as set forth at 39 Pa.B. 1870.

(6) The proposal to amend § 109.6 specifies the need for proof of permission to hold marine events. Section 109.6(b)(5) of the Commission's regulations provides that the Commission will not issue a special activities permit for a marine event in a State Park unless the applicant

first obtains written permission from the Bureau of State Parks, Department of Conservation and Natural Resources (DCNR) for the event. The Commission, however, issues permits for events occurring in State Forests, not just those in State Parks. The regulation goes on to explain that applicants holding marine events on waters under the ownership or control of other Federal or State agencies must provide the Commission with evidence of permission by the controlling agency.

To simplify the regulation, the Commission proposed to revise the regulation to simply require the permission of the entity that owns or controls the waters on which the marine event will occur. The Commission routinely issues special activities for marine events that occur on private and public waters, including waters owned or controlled by the DCNR, the Pennsylvania Game Commission, the United States Army Corps of Engineers (USACOE), and county and municipal governments. The Commission therefore amended § 109.6 to read as set forth at 39 Pa.B. 1870.

(7) Section 111.17 added provisions on Curwensville Lake. Curwensville Lake is a USACOE, Baltimore District impoundment of the West Branch of the Susquehanna River in central Clearfield County. It is managed jointly by the USACOE and the Clearfield County Recreation and Tourism Authority. The lake comprises 790 acres with 19 shoreline miles and unrestricted horsepower. The lake provides open water adjacent to the dam with the majority of the water in a serpentine pattern based upon the original river contours. The lake narrows severely in its upper reaches. Use of the upper area is popular but not conducive to unrestricted horsepower boating. These upper reaches, most of which are less than 200 feet in width, have been posted and enforced as a slow, no-wake area but have never been defined by regulation. Giving clear and legal definition of the slow, no-wake area is of joint interest to the agencies and will enhance fairness in public notice and enforceability.

The USACOE has requested that the slow, no-wake area be marked in the area upriver of the cliff at Ferguson and the area between the old viaduct pillars. The Commission therefore amended § 111.17 to read as set forth at 39 Pa.B. 1870.

(8) Section 111.20 amended details on Pymatuning Lake, of Pymatuning State Park. DCNR regulates the waterway's horsepower limit and has recently set it at 20 horsepower, like several other lakes owned or controlled by the DCNR. In the past, the Commission removed all references to horsepower limits on DCNR waterways from Chapter 111 of the Commission's regulations. Removal of Pymatuning Lake will complete that process. Accordingly, the Commission amended § 111.20 to read as set forth at 39 Pa.B. 1870.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendments was published at 39 Pa.B. 1870. Prior to the public comment period, the Commission received

one public comment regarding the proposed amendments to §§ 53.8 and 97.1 suggesting different language; one comment opposing the amendments to § 91.5; and one public comment generally supporting the proposed amendment to § 105.3, but suggested alternative language. The Commission did not receive any public comments regarding the other proposed amendments. Copies of all public comments were provided to the commissioners.

Findings

The Commission finds:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 91, 97, 101, 105, 109 and 111, are amended by amending §§ 53.8, 91.5, 97.1, 101.5, 105.3, 109.6, 111.17 and 111.20 and by deleting § 109.1 to read as set forth in 39 Pa.B. 1870.

(b) The Executive Director will submit this order and 39 Pa.B. 1870 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 39 Pa.B. 1870 and deposit them with the Legislative Reference Bureau as required by law.

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

DOUGLAS J. AUSTEN, Ph.D,
Executive Director

Fiscal Note: Fiscal Note 48A-210 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 09-1832. Filed for public inspection October 2, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

Lead and Copper Rule Short Term Revisions

[Correction]

There were several errors in the proposed rulemaking which appeared at 39 Pa.B. 5581 (September 26, 2009).

At 39 Pa.B. 5586, Subpart J of the preamble should have read as follows:

J. Public Comments

Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by October 26, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by October 26, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by October 26, 2009. A subject heading of the proposal and a return name and address must be included in each transmission.

At 39 Pa.B. 5587, § 109.1103(e)(1) should have read as follows:

(e) *Reduced monitoring.*

(1) *Reduced lead and copper tap monitoring.* A system conducting reduced lead and copper tap monitoring shall collect one sample from the number of sample sites listed in the following column:

<i>System size (# of people served)</i>	<i># of Sample Sites (reduced monitoring)</i>
> 100,000 . . .	50
10,001 to 100,000 . . .	30
3,301 to 10,000 . . .	20
501 to 3,300 . . .	10
500 or fewer . . .	5

At 39 Pa.B. 5590, § 109.1103(g) should have read as follows:

(g) *Sample site location plan.* The water supplier shall complete a sample site location plan which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality parameter sample site locations, and certification that proper sampling procedures are used. The water supplier shall complete the steps in paragraphs (1)—(3) by the applicable date for commencement of lead and copper tap monitoring under subsection (a)(1) and the step in paragraph (4) following completion of the monitoring. The water supplier shall keep the sample site location plan on record and submit the plan to the Department in accordance with § 109.1107(a)(1).

At 39 Pa.B. 5591, § 109.1104(a)(1)(iii) should have read as follows:

(iii) [*Mandatory language for public service announcements. The water supplier shall include the information contained in 40 CFR 141.85(b) in public service announcements submitted for broadcast.*]

***Submission of written materials.* Water systems shall submit copies of all written public education materials to the Department prior to delivery.**

[Pa.B. Doc. No. 09-1782. Filed for public inspection September 25, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 22, 2009.

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

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-21-2009	<i>From:</i> Washington Federal Savings Bank Washington Washington County <i>To:</i> Washington Financial Bank Washington Washington County Application for approval to convert from a Federally-chartered stock savings association to a Pennsylvania State-chartered stock savings bank.	Filed

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-15-2009	Northwest Savings Bank Warren Warren County Application for approval to merge Northwest Interim Bank I, Northwest Interim Bank II, and Northwest Interim Bank III with and into Northwest Savings Bank, Warren. The purpose of the proposed transaction is to facilitate the reorganization of Northwest Savings Bank from a mutual holding company structure to a stock holding company structure.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-10-2009	Affinity Bank of Pennsylvania Wyomissing Berks County	4541 Perkiomen Avenue Exeter Berks County	Opened
9-14-2009	Northwest Savings Bank Warren Warren County	860 Long Pond Road Greece Monroe County, NY	Opened
9-16-2009	PeoplesBank, A Codorus Valley Company York York County	Normandie Ridge 1700 Normandie Drive York York County (Limited Service Facility)	Filed
9-21-2009	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	3495 Route 378 Bethlehem Northampton County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-14-2009	Northwest Savings Bank Warren Warren County	<i>To:</i> 437 Cochran Road Pittsburgh Allegheny County <i>From:</i> 300 Cochran Road Pittsburgh Allegheny County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-18-2009	Earthstar Bank Southampton Bucks County	8910 Frankford Avenue Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-21-2009	White Rose Credit Union York York County Approval to merge YORKCO School Employees Credit Union, York, with and into White Rose Credit Union, York.	Approved

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-21-2009	TruMark Financial Credit Union Trevose Bucks County	12377 Academy Road Philadelphia Philadelphia County	Filed

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1833. Filed for public inspection October 2, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

2009 Reassignment of Duquesne High School Students

Under 24 P. S. § 16-1607.1(a)(1) (relating to distressed school districts and student attendance in other districts) (added by section 14 of Act 45 of 2007), Secretary Gerald Zahorchak designated two school districts to accept high school students from the Duquesne City School District (Duquesne) on a tuition basis, effective at the beginning of the 2007-2008 school year. The two designated school districts were the East Allegheny School District (East Allegheny) and the West Mifflin School District (West Mifflin). As required by 24 P. S. § 16-1607.1(c), the Department of Education (Department) provides the following information regarding the assignment of Duquesne's current 9th grade students:

Duquesne has assigned students who completed 8th grade in 2009 to the East Allegheny and West Mifflin

Districts. The selection process established under 24 P. S. § 16-1607.1(a)(2) is set forth in the document entitled *Our Kids: New Choice, New School, New Future*.

The per pupil tuition rates that the designated districts shall receive, for the 2009-2010 school year, are \$9,100.68 for East Allegheny and \$9,241.46 for West Mifflin Area High School.

High School Selection—Important Dates

January 30—Deadline to return Permission to Attend High School Tours form

February 3, at 9 a.m.—West Mifflin Area High School Information Meeting/Tour

February 4, at 9 a.m.—East Allegheny High School Information Meeting/Tour

February 4, from 6:30 p.m. to 8 p.m.—Parent Information Meeting, Duquesne Education Center

February 11—Deadline to return School Selection Cards to Duquesne Education Center Office

February 13—Lottery (if necessary)

Week of February 16—Parents notified of their child's placement

Student Selection Process per Legislative Mandate

1. Which high schools are available?

Duquesne students (grade 8) will attend West Mifflin Area High School and East Allegheny High School beginning in the fall of 2009.

2. Who is eligible to attend either of these high schools?

All Duquesne residents who want to continue in public school for the 2009-2010 school year are eligible to participate in the selection process—this includes 8th grade students who will be entering 9th grade in the fall of 2009.

Private, religious or charter school students need to first register as Duquesne students in the elementary school office to be eligible and to take part in the selection process.

3. How will the selection process work?

After reviewing the information provided about each school, students must select either West Mifflin area High School or East Allegheny High School as their school choice.

Each student must complete a selection card and return it to the Duquesne Education Center office by February 11, at 3 p.m.

Younger siblings who wish to attend the same high school as their older siblings will be placed first.

If the number of students selecting a school exceeds the determined enrollment number, then all interested students selecting that school will be placed in a lottery.

4. Selecting a high school will not be determined on a first come first serve basis.

Every student who completes and returns the school selection card during the selection process has an equal chance of getting his or her first choice school.

5. How many students will be assigned to each high school?

Students will be assigned so that 65% of the students will attend West Mifflin Area High School and 35% of the students will attend East Allegheny High School.

6. How will the lottery work?

If necessary, the lottery drawing will take place on Friday, February 13, 2009, at a public meeting with

community members in attendance. The lottery process will be explained before the lottery takes place.

7. How does selection work for siblings?

Siblings in grade 8 will attend the same high school that their older brother or sister has chosen unless a parent or guardian specifies otherwise. For this purpose, in order to be considered for sibling status, applicants must meet one of the following criteria:

a. Brothers or sisters of the same parent(s) or legal guardian(s).

b. Children that reside in the same household and have the same legal guardian.

* Legal proof of guardianship and residence is required for both instances.

8. What happens if a student does not receive his or her "first choice" school?

If a student is involved in the lottery drawing and does not receive the school he or she selected, then that student may choose to be put on a waiting list for their first choice school. A student's number on the waiting list will be determined by the number he or she draws in the lottery.

9. What about students who enroll in Duquesne after the selection process has taken place?

Students transferring to Duquesne City School District after the selection process has concluded will be given a choice between West Mifflin and East Allegheny. If a student's first choice school already has students assigned up to its determined enrollment level, then he or she will be assigned to the other school. If a student wants to be placed on the waiting list for his or her first choice school, then his or her name will be added to the bottom of the waiting list, below the students who took part in the selection process.

10. What happens if a student hands in a selection card after the scheduling period or does not return a selection card?

If a student does not complete and return the school selection card during the selection process, then the student will be assigned to his or her first choice only if space is available because the determined enrollment number has not been reached. If space is not available in the students' first choice school, then the student will be assigned to the other school.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 09-1834. Filed for public inspection October 2, 2009, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064343 (Industrial Waste)	Pennsylvania American Water Company Stony Garden Water Treatment Plant Wind Gap, PA	Monroe County Hamilton Township	Ross Common Creek 2B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209708	Country View Family Farms, LLC Sullivan Farm 372 Hemlock Hill Road Covington, PA 16917	Tioga County Sullivan Township	UNT to Canoe Camp Creek SWP 4A	N
PA00208647 (Sewage)	Grampian Borough Kratzer Run Sewer Authority STP P. O. Box 253 Grampian, PA 16838	Clearfield County Penn Township	Kratzer Run CWF 8B	Y

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

<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>
PA0102547	Oak Springs Mobile Home Park, Inc. P. O. Box 1922 Cranberry Township, PA 16066	Butler County Cranberry Township	UNT to Brush Creek 20-C	Y
PA0100200	Reynolds Disposal Company 301 Arlington Drive Greenville, PA 16125-8214	Mercer County Pymatuning Township	UNT to the Shenango River 20-A	Y
PA0024899	Lake City Borough 2350 Main Street Lake City, PA 16423	Erie County Lake City Borough	Elk Creek 15	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.

PA0050237, Sewage, SIC 4952, **Walnut Hill Utility Company**, 400 Ashley Court, Glen Mills, PA 19342. This proposed facility is located in Chester Heights Borough, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from the Walnut Hill Utility Company STP.

The receiving stream, Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Media Borough (auxiliary intake) is located on Chester Creek and is 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	18.8		15	30
(11-1 to 4-30)	31.3		25	50
TSS	37.5		30	60
Ammonia as N				
(5-1 to 10-31)	6.3		5.0	10.0
(11-1 to 4-30)	12.5		10.0	20.0
Phosphorus as P			Monitor and Report	Monitor and Report
(Years 1 and 2)				
(Years 3—5)				
(5-1 to 10-31)	1.25		1.0	2.0
(11-1 to 4-30)	2.5		2.0	4.0
Fecal Coliform			# 200/100 ml	# 1,000/100 ml
Dissolved Oxygen				2.0 (Instantaneous Minimum)
pH			6.0 to 9.0 Standard Units at all times	
TRC			0.5	1.2

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

1. Operator Notification.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Operator Education.
10. Laboratory Certification.
11. Fecal Coliform Reporting.

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

Application No. PA 0259896, Amendment 1, CAFO, Flintrock Corporation, 16 East Brubaker Valley Road, Lititz, PA 17543. Flintrock Corporation has submitted an application for amendment of an Individual NPDES permit for an existing CAFO known as Flintrock Farms, located in Elizabeth Township, **Lancaster County**. The farm has proposed to incorporate a satellite farm with two existing broiler barns into the operation. Additionally, the farm has proposed to construct two additional broiler barns at the satellite farm, known as the Heller Farm. No other changes are proposed at the operation. The farm is situated near UNTs of Hammer Creek, which are classified for TSF. After the proposed expansion, the CAFO will be designed to maintain an animal population of approximately 810 animal equivalent units consisting of 325,000 broilers and 30 horses.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0261360, Sewage, Martin Leasing, Inc. (Mt. View Mobile Home Park), 303 Middle Creek Road, Lititz, PA 17543. This facility is located in Elizabeth Township, **Lancaster County**.

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

The receiving stream, UNT to Hammer Creek, is in Watershed 7-J, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 26 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.00195 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
Total Residual Chlorine		Nondetect	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 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.

Application No. PA 0044628, Industrial Waste, SIC Code 4911, Doug Weaver, York Haven Power Company, LLC, P. O. Box 67, York Haven, PA 17370. This facility is located in York Haven Borough, **York County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Wrightsville Water Supply Co. located on the Susquehanna River, approximately 12.70 miles downstream. The discharge is not expected to affect the water supply.

This permit contains a revised Part C Special Condition No. 1.

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

The EPA waiver is not in effect.

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

PA0103098, Industrial Waste, Reynolds Water Company, 301 Arlington Drive, Greenville, PA 16125-8214. This existing facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Activity: renewal of an NPDES Permit for an existing discharge of treated industrial waste.

The receiving water is the Shenango River. The receiving stream is in State Water Plan 20-A and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Sharpsville Water Company, is located on the Shenango River and is approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.033 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			
Iron	0.55	XX	2.0	4.0	5.0
Aluminum	1.10	XX	4.0	8.0	10.0
Manganese	0.27	XX	1.0	2.0	2.5
Total Suspended Solids	8.2	XX	30	60	75
Total Residual Chlorine	0.13		0.5		1.6
Lead		XX		XX	
pH		Within limits of 6.0 to 9.0 Standard Units at all times.			

XX—Monitor and Report.

The EPA waiver is not in effect.

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

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

WQM Permit No. 3509401, Sewerage, **Olyphant Borough**, 113 Willow Street, Olyphant, PA 18447-1498. This proposed facility is located in Olyphant Borough, **Lackawanna County**.

Description of Proposed Action/Activity: This project consists of sanitary and stormwater sewer separation, which includes replacing and resizing existing sanitary sewers in residential and commercial neighborhoods currently served by combined sewers.

WQM Permit No. 4809403, Sewerage, **Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: This project consists of an upgrade to the existing wastewater treatment plant to include addition of two SBR/ICEAS tanks to improve process flow and increase hydraulic retention time.

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

WQM Permit No. 0109403, Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township/Hanover Borough, **York and Adams Counties**.

Description of Proposed Action/Activity: Application for improvements at the Borough's wastewater treatment plant to provide hydraulic capacity for peak flow conditions, and to also satisfy BNR requirements of the Chesapeake Bay Tributary strategy.

WQM Permit No. 2209404, Sewerage, **Randy Macko**, 3315A Back Road, Halifax, PA 17032. This proposed facility is located in Jefferson Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for construction of a small flow sewage treatment system to serve their existing four bedroom home.

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

WQM Permit No. WQG026127, Sewerage, **Perry Township Municipal Authority**, P. O. Box 306, Star Junction, PA 15482. This proposed facility is located in Perry Township, **Fayette County**.

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

WQM Permit No. 0209408, Sewerage, **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146. This proposed facility is located in Monroeville Borough, **Allegheny County**.

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

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

WQM Permit No. 4380406, Sewerage, **Amendment No. 1, John R. Broderick, d/b/a Lakeview Estates**, 2771 Lincoln Highway East, Ronks, PA 17572. This proposed facility is located in New Lebanon, **Mercer County**.

Description of Proposed Action/Activity: This project proposes a modification of the existing WQM Part II Permit for the treatment plant to add sludge holding facilities, a dedicated sludge tank blower and replace the existing table type disinfecter.

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

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

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046009001	Edwin Hoover 2165 Paddy Mountain Road Millmont, PA 17845	Union	Hartley Township	UNT to Whitethorn Run HQ-CWF UNT to Penns 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)

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>
Jay L. Bleacher 1173 Breneman Road Conestoga, PA 17516	Lancaster	450	534.6	Swine	HQ	Renewal
Alan Bleacher 2794 Safe Harbor Road Millersviller, PA 17551	Lancaster	100	515.4	Layers	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3209504, Public Water Supply.

Applicant	East Green Township Water Association 243 Juniper Road Cherry Tree, PA 15724
Township or Borough	Green Township
Responsible Official	Dale Millar, Supervisor East Green Township Water Association 243 Juniper Road Cherry Tree, PA 15724
Type of Facility	Water treatment system
Consulting Engineer	CME Management, LLC 165 East Union Street Somerset, PA 15501
Application Received Date	September 14, 2009

Description of Action	Replacement of the iodinator with a hypochlorite disinfection system.
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Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Application No. 3709504, Public Water Supply.

Applicant	Pennsylvania American Water Company
Township or Borough	Wayne Township Lawrence County
Responsible Official	Scott L. Armbrust, P. E.
Consulting Engineer	Scott L. Armbrust, P. E. Senior Engineer PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	September 14, 2009
Description of Action	Increase permitted capacity of the Ellwood Water Treatment to 6.4 mgd.

MINOR AMENDMENT

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

Application No. 4809506MA, Minor Amendment.

Applicant	Bethlehem Authority 10 East Church Street Room B311 Bethlehem, PA 18018
Township or Borough	City of Bethlehem
Responsible Official	Steve Repasch Bethlehem Authority 10 East Church Street Room B311 Bethlehem, PA 18018
Type of Facility	PWS
Consulting Engineer	Kirt Ervin, P. E. U.S. Engineering, LLC 13742 Mary Lane Aviston, IL 62216

Application Received Date	August 14, 2009
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Description of Action	Applicant proposes repainting the interior and exterior of the 5,000,000 gallon North East Standpipe.
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Application No. 3909509MA, Minor Amendment.

Applicant	City of Allentown 1300 Martin Luther King, Jr. Drive Allentown, PA 18102
Township or Borough	City of Allentown
Responsible Official	Lehigh
Type of Facility	PWS
Consulting Engineer	Michael Krasley, P. E. City of Allentown 641 South 10th Street Allentown, PA 18103

Application Received September 3, 2009
Date

Description of Action Applicant proposes changing the
chemical coagulant from Alum to
Polyaluminum Chloride.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may tele-

phone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

Mobil Pipe Line Company—Allentown Junction Valve Station, 4023 Huckleberry Road, South Whitehall Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater and Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Notice of intent to Remediate (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801), concerning the remediation of unleaded gasoline as a result from valve failure. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Lock Haven Bald Eagle Street former MGP Site, City of Lock Haven, **Clinton County**. The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of UGI Utilities, Inc., 2525 North 12th Street, Suite 360, Reading, PA has submitted a Notice of Intent to Remediate groundwater contaminated with benzene, toluene, ethylbenzene and xylenes and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Site-Specific Standard. The site will remain in use for support of natural gas operations.

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.

56-00257B: Department of Corrections (5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631) for construction of cogeneration facility at SCI Laurel Highlands Facility in Somerset Township, **Somerset County**.

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

61-007D: IA Construction Corp.—Franklin Hot Mix Asphalt Batch Plant (24 Gibb Road, Franklin, PA 16323) for construction of a new 6-ton Hot Mix Asphalt batch Plant to replace the existing 3-ton plant in Sugarcreek Borough, **Venango County**. This is a State-only facility.

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

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

23-0003P: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) for replacement of a Peabody heater and components during 2010 turnaround at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This installation and modification will result in minor emission increases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

18-00011H: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) for modification of the pastillation process and installation and operation of a new scrubber, as well as the construction and operation of a 10,000 gallon capacity feed tank, at the Croda Mill Hall facility in Bald Eagle Township, **Clinton County**. This facility, following the proposed construction and installation, will remain as a major facility for VOC emissions. The proposed construction and installation is subject to the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. This project will emit up to 2.56 tons VOCs in any 12-consecutive month period.

The Department of Environmental Protection's (Department) review of the information provided by Reliant indicates that the sources at the facility will comply with all air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction, installation, and operation of the sources and control devices. Additionally, if the Department determines that the proposed sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the Title V operating permit by means of an administrative amendment under 25 Pa. Code § 127.450. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. The emission of HAPs from all products processed in the pastillation operation shall not equal or exceed 1-ton in any 12-consecutive month period. This condition supersedes Section D, Source ID P112, Condition No. 001 of Title V operating permit TVOP 18-00011.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of VOCs from the production of behentrimonium methosulfate (BTMS) processed in the pastillation operation and any associated reactor vessel, including the exhaust of the BTMS scrubber, shall not exceed 2.56 tons in any 12-consecutive month period.

3. The emission of VOCs from all products, except for BTMS, processed in Source ID P112 shall not equal or exceed 2.7 tons in any 12-consecutive month period. This condition supersedes Section D, Source ID P112, Condition No. 002 of Title V operating permit TVOP 18-00011.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the BTMS scrubber shall capture the VOC emissions from the pastillation operation during production of BTMS at a capture efficiency of no less than 90% (by weight). The BTMS scrubber shall capture all VOC emissions from the feed tank of the pastillation operation and any associated reactor vessel during production of BTMS. The BTMS scrubber shall destroy the VOC emissions ducted to it from the pastillation operation and any associated reactor vessel during production of BTMS at a destruction efficiency of no less than 99% (by weight).

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the scrubber water flow rate of the BTMS scrubber shall be no less than 15 gallons per minute during the production of BTMS processed in the pastillation operation and any associated reactor vessel.

6. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the inlet and exhaust of the BTMS scrubber to verify compliance with the VOC capture and destruction efficiencies and VOC emission limitations. All testing shall be performed while the pastillation operation is producing BTMS at its maximum rate of production, using the Environmental Protection Agency (EPA) reference test methods approved by the Department.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain instrumentation to continuously and accurately measure the pressure differential across the BTMS scrubber and the actual pressure differential shall be displayed on a continuous basis. The permittee shall install and maintain instrumentation to continuously and accurately measure the scrubber water flow rate of the BTMS scrubber and the actual scrubber water flow rate shall be displayed on a continuous basis.

8. The permittee shall keep records of the supporting calculations on a monthly basis for all products processed in Source ID P112 to verify compliance with the HAPs emission limitation in any 12-consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for the production of BTMS processed in the pastillation operation and any associated reactor vessel, including the exhaust of the BTMS scrubber, to verify compliance with the VOC emission limitation in any 12-consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for all products, except for BTMS, processed in the pastillation operation to verify compliance with the VOC emission limitation in any 12-consecutive month period. The permittee shall keep records of the identity and quantity of materials produced in the pastillation operation on a monthly basis. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. This condition supersedes Section D, Source ID P112, Condition No. 003 of Title V operating permit TVOP 18-00011.

9. The permittee shall keep records of the pressure differential across the BTMS scrubber at least once per BTMS batch, and shall record the corrective actions taken if the pressure differential is outside the designed pressure range. The permittee shall keep records of the scrubber water flow rate of the BTMS scrubber on a continuous basis during the production of BTMS processed in the pastillation operation and any associated reactor vessel to verify compliance with the scrubber water flow rate limitation, and shall record the corrective actions taken if the scrubber water flow rate is outside the designed flow rate range. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

10. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with HAPs emission limitation for all products processed in the pastillation operation in any 12-consecutive month period. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with VOC emission limitation for the production of BTMS processed in the pastillation operation and any associated reactor vessel, including the exhaust of the BTMS scrubber, in any 12-consecutive month period. The permittee shall submit reports to the Department on a semi-annual basis that include the

supporting calculations to verify compliance with VOC emission limitation for all products, except for BTMS, processed in the pastillation operation in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

11. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the pastillation operation and any associated reactor vessel, during the production of BTMS processed in the pastillation operation and any associated reactor vessel, shall be controlled by the BTMS scrubber. The permittee shall not process BTMS in the pastillation operation and/or any associated reactor vessel without the simultaneous operation of the BTMS scrubber.

12. The pastillation operation is used to cool and solidify heated organic liquids. It consists of two pastillator units and a pastillator feed tank of 10,000 gallon capacity. The BTMS scrubber is a packed-bed scrubber with a design inlet gas volume of 3,600 SCFM. The scrubber utilizes water as solvent. A reactor vessel associated with Source ID P102 may be utilized for the production of BTMS. Any emissions from such reactor vessel during the production of BTMS shall be controlled by the BTMS scrubber. This condition supersedes Section D, Source ID P112, Condition No. 004 of Title V operating permit TVOP 18-00011.

13. Within 30 days of selection of the BTMS scrubber associated with the pastillation operation, the permittee shall submit to the Department for approval, the manufacturer name and model number with design specifications of the BTMS scrubber associated with the pastillation operation, by submitting the appropriate pages of the plan approval application.

14. The pastillator feed tank is subject to 25 Pa. Code § 129.57. The permittee shall comply with all the applicable requirements specified in 25 Pa. Code § 129.57.

15. All conditions contained in Plan Approval 18-00011F and Title V operating permit TVOP 18-00011 remain in effect unless superseded or amended by conditions contained in this plan approval (18-00011H). If there is a conflict between a condition contained in this plan approval and a condition contained in Plan Approval 18-00011F or Title V operating permit TVOP 18-00011, the permittee shall comply with the condition contained in this plan approval.

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

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

20-106A: Greenleaf Corp. (18695 Greenleaf Drive, Saegertown, PA 16433-4429) for the graphite resistance furnace at their manufacturing facility in Hayfield Township, **Crawford County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to modify conditions for the graphite resistance furnace at the manufacturing facility in Hayfield Township, Crawford County.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

43-182A: John Maneely Co.—Wheatland Tube Division (One Council Avenue, Wheatland, PA 16161) for installation of a cyclone and baghouse at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 43-182A to John Maneely Company—Wheatland Tube Division for the installation of a cyclone and baghouse at the company's facility located at One Council Avenue, Wheatland Borough, Mercer County. The facility currently has a Title V permit No. 43-00182. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-182A is for the installation of a cyclone and baghouse as replacements for an existing cyclone and wet scrubber used to control emission from the No. 1 I.D. Blow Station (Source ID No. 113). Based on the information provided by the applicant and the Department's own analysis, this source will emit 18.8 tons of PM per year. The subject Plan Approval will not result in an increase in emissions over previously permitted levels.

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

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

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 43-182A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager,

Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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.

15-00128: Pet Memorial Services Corp. (126 Turner Lane, Unite No. 2, West Chester, PA 19380) for a non-Title V Facility, State-only Natural Minor Operating Permit in West Goshen Township, **Chester County**. Pet Memorial Services operates four identical Crawford animal crematoriums (Source ID 101), rated for 600 lbs/hr each, and one Environmental Protection Agency Technologies animal crematorium (Source ID 102), rated for 130 lbs/hr. There are also no other significant sources of emissions at this facility. The following are potential emissions from the facility: 17 tpy for NO_x, VOC and SO_x; 40 tpy for PM; 56 tpy for CO and 7 tpy for HCl. Emissions of PM from each crematorium shall be less than 0.08 gr/dscf, corrected to 7% O₂. Emissions of SO_x from each crematorium shall be less than 500 ppmv. The permit will contain monitoring, recordkeeping, reporting and work practice standards 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.

35-00064: Flexible Foam Products, Inc. (P. O. Box 126, Spencerville, OH 45887) for operation of a polyurethane foam production line at their facility in Archbald Borough, **Lackawanna County**. This facility is currently operating under Operating Permit 35-399-038A. All permit requirements shall be included in the new State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

03-00182: Equitable Gas Co., LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114) for operation of the Fisher Compressor Station natural-gas gathering facility in Redbank Township, **Armstrong County**. This is for renewal of the State-only operating permit issued in 2005.

04-00682: MultiServ (8050 Rowan Road, P. O. Box 5003, Cranberry Township, PA 16066-1903) for operation of a slag processing plant in Koppel Borough, **Beaver County**. This State-only Operating Permit is a Renewal.

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

10-00148: Ervin Industries Inc.—Amasteel Division (681 East Butler Road, Butler, PA 16001-9238) to issue a renewal State-only Operating Permit for the manufacturing abrasive products facility in Summit Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include two electric arc furnaces (EAFs), 34 quench and draw furnaces, a shot processing line, a grit processing line, ladle

heaters, a parts washer, propane storage tank, four dryers and space heating. The EAFs are each controlled by a baghouse, the shot processing and grit lines each are controlled by separate baghouses. The facility is subject to 40 CFR Part 60, Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983, and 40 CFR Part 63, Subpart ZZZZZ—National Emissions Standards for HAPs for Iron and Steel Foundries Area Sources.

16-00152: Pengrove Building Systems, Inc. (1 Mauro Avenue, Knox, PA 16232) for issuance of a Synthetic Minor Operating Permit to operate a wood surface coating operation used in the manufacture of modular homes in Knox Township, **Clarion County**. The facility's primary emission sources include two spray booths, a stain wiping line, clean up operations, wood working operations and miscellaneous natural gas combustion.

62-00171: Meridien Hardwoods of PA, Inc. (Old Pittsfield Road, P. O. Box 227, Pittsfield, PA 16340) to issue a renewal State-only Operating Permit for wood manufacturing operations at their facility in Pittsfield Township, **Warren County**. The facility is a Natural Minor. The primary sources at the facility include a natural gas/waste oil boiler and a backup natural gas boiler for providing steam for the wood drying kilns. The facility also has various woodcutting and trimming operations.

OPERATING PERMITS

PUBLIC HEARINGS

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

06-05066: Exide Technologies (P. O. Box 14294, Reading, PA 19612-4294) for renewal of their Title V Operating Permit for Exide's secondary lead smelter in the Borough of Laureldale/Muhlenberg Township, **Berks County**.

The Department of Environmental Protection (Department) will hold a public hearing for the renewal of the Title V Operating Permit for Exide's secondary lead smelter in the Borough of Laureldale/Muhlenberg Township, Berks County. The facility is subject to 40 CFR Part 60, Subpart L, New Source Performance Standards for Secondary Lead Smelters and 40 CFR Part 63, Subpart X, National Emission Standards for HAPs from Secondary Lead Smelters. The renewed permit is proposed to incorporate various plan approvals issued to Exide since the last permit was issued.

The pertinent documents concerning the renewal and any changes are available at the Department's Reading District Office. Reviews may be scheduled by contacting the office by telephone at (610) 916-0100.

The public hearing will be held on November 17, 2009, at 7 p.m., in the Muhlenberg Recreation Building (3025 River Road, Reading, PA 19605). Persons wishing to give testimony at the hearing should contact Bev Witmer at (717) 705-4703 to reserve a time to present any testimony. Oral testimony will be limited to 10 minutes per speaker. Each group or organization is required to designate one witness to present testimony on its behalf. Commentators shall provide two written copies of their remarks at the time of the hearing. Persons interested in submitting written comments should send their comments to Roger Fitterling, East Permitting Section, 1005 Crossroads Bou-

levard, Reading, PA 19605. The Department will continue to receive written comments for 2 weeks following the hearing.

Persons with a disability wishing to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Bev Witmer at (717) 705-4703 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

56061301 and NPDES Permit No. PA0235709, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add acreage to the subsidence control plan permit area. Subsidence Control Plan Acres Proposed 1,248.2. No additional discharges. Application received July 1, 2009.

63091301 and NPDES Permit No. NA, Tunnel Ridge, LLC, (2596 Battle Run Road, Triadelphia, WV 26059), to operate the Tunnel Ridge Mine in Donegal Township, **Washington County** a new underground

longwall mine. Underground Acres Proposed 551.65, Subsidence Control Plan Acres Proposed 551.65. No additional discharges. Application received June 12, 2009.

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

32080101 and NPDES No. PA0262561. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, transfer of an existing bituminous surface mine from Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, located in Banks Township, **Indiana County**, affecting 9.4 acres. Receiving streams: UNTs to Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2009.

32990110 and NPDES No. PA0235164. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 41.3 acres. Receiving streams: UNTs to/and Harper Run; Blacklegs Creek, Kiskiminetas River classified for the following uses: CWF, WWF. There

are no potable water supply intakes within 10 miles downstream. Application received September 9, 2009.

56763114 and NPDES No. PA0608238. Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for the continued operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 96.8 acres. Receiving stream: UNTs to/and South Glade Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received September 9, 2009.

32820134 and NPDES No. PA0606154. The Arcadia Company, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Grant, Banks, Canoe and Montgomery Townships, **Indiana County**, affecting 1,166 acres. Receiving streams: UNTs to/and Little Mahoning Creek and UNT to Cush Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 11, 2009.

56703120 and NPDES No. PA0607622. Jenners, Inc., P. O. Box 171, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and coal refuse disposal mine in Jenner Township, **Somerset County**, affecting 580 acres. Receiving streams: UNTs to Quemahoning and Hoffman Creeks classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received September 16, 2009.

56030104 and NPDES No. PA0249459. Elk Lick Energy, Inc., P. O. Box 240, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and coal preparation/processing facility mine in Jenner and Quemahoning Townships, **Somerset County**, affecting 171.9 acres. Receiving streams: Two Mile Run to Quemahoning Reservoir classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. Application received September 14, 2009.

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

16030101 and NPDES Permit No. PA0242349. Ben Hal Mining Company (389 Irishtown Road, Grove City,

PA 16127). Revision to an existing bituminous surface strip operation in Redbank and Limestone Townships, **Clarion County** affecting 75.2 acres. Receiving streams: UNTs to Town Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision requested to change the post-mining land use from forestland to pasture land/land occasionally cut for hay. Application received September 17, 2009.

16050105 and NPDES Permit No. PA0242659. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Redbank Township, **Clarion County** affecting 57.1 acres. Receiving streams: UNT to Pine Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Area Water Authority. Revision requested to change the postmining land use from forestland to pasture land/land occasionally cut for hay. Application received September 17, 2009.

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

17930125 and NPDES No. PA0219665. EnerCorp, Inc. (1686 Allport Cutoff, Morrisdale, PA 16858), permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 130 acres. Receiving streams: UNT to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 31, 2009.

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

54840209R5. Mazaika Coal Company, (689 Fairview Street, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and prep plant operation in Rush Township, **Schuylkill County** affecting 24 acres, receiving stream: none. Application received September 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	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

6875SM3 and NPDES No. PA0612383. Eastern Industries, Inc., 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454, renewal of NPDES permit in Armagh Township, **Mifflin County**, affecting 103.6 acres. Receiving streams: UNTs to/and Honey Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 20, 2009. Permit issued September 17, 2009.

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

65092802. CH & D Enterprises, Inc. (100 Brady Place, New Stanton, PA 15672). Application for commencement, operation and reclamation of a small noncoal surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 2.5 acres. Receiving stream: Sewickley Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Small noncoal application received September 11, 2009.

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

64900806. Kurt I. Propst, (107 Propst Path, Honesdale, PA 18431), Stages I and II bond release from a quarry operation in Berlin Township, **Wayne County** affecting 2 acres on property owned by Kurt I. Propst. Application received September 10, 2009.

7774SM1A1C10 and NPDES Permit No. PA0594521. Berks Products Corp., (P. O. Box 9000, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ontelaunee Township, **Berks County**, receiving stream: Maiden Creek, classified for the following use: WWF. Application received September 17, 2009.

8073SM1C10 and NPDES Permit No. PA0614602. Highway Materials, Inc., (1750 Walton Road, Blue Bell, PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Marlborough Township, **Montgomery County**, and receiving stream: Unami Creek, classified for the following uses: HQ-TSF and MF. Application received September 17, 2009.

1579601C5 and NPDES Permit No. PA0119181. Lynn Hanaway, (151 North Church Street, Parkesburg, PA 19365), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Parkesburg Borough, **Chester County**, and receiving stream: UNT to Buck Run. Application received September 18, 2009.

5273SM1C4 and NPDES Permit No. PA0594261. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Aston Township, **Delaware County**, receiving stream: Chester Creek, classified for the following use: TSF.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-408. Nic Zawarski & Sons Developer, 1441 Linden Street, Bethlehem, PA 18018, in Forks Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an 85-foot roadway crossing of a UNT of Bushkill Creek with two 8-foot by 8-foot concrete box culverts having a 1 foot depression. The project is located approximately 1.1 miles from the intersection of SR 1009 and SR 0115 on the southeast side of Bushkill Drive (Easton, PA Quadrangle Latitude: 40° 43' 00"; Longitude: -75° 14' 42").

E54-342. T.G.W. Corporation, P.O. Box 38, Pine Grove, PA 17963, in Pine Grove Borough, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 40-foot by 80-foot pole barn storage building in the floodway of Swatara Creek (CWF, MF). The project is located at 50 Spruce Street, Pine Grove, PA (Pine Grove, PA Quadrangle Latitude: 40° 32' 58"; Longitude: -76° 22' 53").

E45-547. Lake Naomi Club, Route 423, P. O. Box T, Pocono Pines, PA 18350-0620, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a pedestrian bridge having a single-span of approximately 102 feet and a minimum underclearance of approximately 10 feet across Upper Tunkhannock Creek (HQ-CWF) and three minor road crossings in a de minimis area PSF wetlands equal to 0.05 acre for the purpose of constructing a pedestrian walkway. The project begins at a point 30 feet upstream of the SR 0423 bridge and includes approximately 2,600 feet of pedestrian walkway along SR 0423 northwest of

Lake Naomi (Pocono Pines, PA Quadrangle Latitude: 41° 06' 34"; Longitude: -75° 28' 27").

E39-500. Whitehall Township, 3219 MacArthur Road, Whitehall, PA 18052, in Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater swale in the floodway of Copley Creek (CWF, MF) at 50 feet wide by 1,100 feet long. The project begins approximately 900 feet downstream from the intersection of Copley Creek and Lehigh Street and extends downstream for that point approximately 50 linear feet (Catasauqua, PA Quadrangle Latitude: 40° 39' 14"; Longitude: -75° 29' 37").

E40-701. Justin R. Dunkelberger, 353 Market Street, Rear No. 2, Sunbury, PA 17801, in Sugarloaf Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a road crossing consisting of a 50-foot long, 10-foot wide, single-span open-bottom corrugated steel arch culvert with an underclearance of 3.46 feet and R-5 rip-rap installed at a depth of 2.25 feet below the culvert within a UNT to Black Creek (CWF). The culvert will permanently impact 0.05 acre of adjacent PEM wetlands. The purpose of the project is to provide access for maintenance of the Buck Mountain Wind Farm Substation at the 230 kV power line. The project is located 3.86 miles south of the intersection of SR 0093 and I-80 (Conyngham, PA Quadrangle Latitude: 40° 58' 14"; Longitude: -76° 4' 38").

E39-485. Robyn Realty Company, 3906 Mountainview Drive, Danielsville, PA 18038, in Lowhill Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a driveway crossing of a UNT to Jordan Creek (HQ-CWF, MF) and adjacent PFO Wetlands consisting of filling 0.20 acre and placing two 66-foot long, 36-inch RCP pipes with an R-5 rip-rap apron. These activities are associated with the Cottage Gates Residential Subdivision Project located approximately 0.2 mile north of the intersection of Kernsville and Weidasville Roads (Slatedale, PA Quadrangle Latitude: 40° 37' 22"; Longitude: -75° 38' 32").

E39-549. Louis S. Mignosi, 601 North Newton Street Road, Newton Square, PA 19073, in Middle Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 3-inch diameter low pressure sanitary sewer force main crossing approximately 69 feet of PSS-PEM wetlands with 0.05 acre of temporary wetland disturbance for the purpose of providing a sanitary sewage connection line servicing Bennigans Restaurant. The project is located 4.27 miles north of the intersection of SR 0402 and US Route 209 (Bushkill, PA-NJ Quadrangle Latitude: 41° 3' 57"; Longitude: -75° 3' 9").

E40-702. Patrick Kilduff, 610 Wyoming Avenue, Kingston, PA 18704-3787, in Kingston Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in approximately 0.09 acre of the 100-year floodway of Toby Creek (TSF, MF) for the purpose of constructing a 35-lot employee parking area associated with BPPNK Realty Group, LLC. The parking lot will replace a 14,948 square foot building and adjacent parking area which are to be demolished. The project is located 1.43 miles southeast of the intersection of SR

0309 and SR 0415 (Kingston, PA Quadrangle Latitude: 41° 19' 18"; Longitude: -75° 56' 26").

E45-548. Cynthia Manero, 1866 Rampart Lane, Lansdale, PA 19446-5051, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 118 square foot boardwalk area to be constructed on 18 at grade 4-inch by 8-inch cinderblock mud pads spanning fresh water wetlands for the purpose of providing safer access to Arrowhead Lake. The project is located 4.41 miles north of the intersection of SR 0940 and SR 0115 (Thornhurst, PA Quadrangle Latitude: 41° 9' 21"; Longitude: -75° 34' 38").

E39-498. Lehigh County, 17 South Seventh Street, Allentown, PA 18101-2401, in Washington Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a concrete boat ramp, a 15-foot wide gravel access road, a gravel turnaround and loading area, two gravel parking areas, excavate and replace an area of impacted soils, fill and 0.13 acre of wetlands. The project is located approximately 0.3 mile north of the intersection of Paintmill Road and SR 0873 on the west bank of the Lehigh River (Palmerston, PA Quadrangle Latitude: 40° 46' 53"; Longitude: -76° 36' 27").

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 and 0.5 acre of open water, 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").

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

E37-180. Rick Kinkela, 1092 SR 208, Pulaski, PA 16143. Deer Creek Stream Restoration, in Pulaski Township, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District (Edinburg, PA Quadrangle N: 46° 06' 45"; W: 80° 28' 15").

The applicant proposes to conduct restoration activities on a 1,600 lineal foot reach of Deer Creek (WWF) adjacent to the intersection of South Valley View Road and SR 208 in Pulaski Township, Mercer County (N: 46° 06' 45"; W: 80° 28' 15"). The applicant proposes to realign approximately 476 feet of stream channel, establish new flood plain areas, plant riparian buffer vegetation, and to construct and maintain rock cross-vanes, riprap stream bank stabilization, flood prevention berms, a relocated golf cart pathway in the floodway, and a rock boulder wall. Deer Creek is a perennial stream classified as a WWF.

ENVIRONMENTAL ASSESSMENTS

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

EA56-006. Laurel Falls Association, 382 Laurel Falls Road, Meyersdale, PA 15552. The project is located approximately 2.5 miles northeast of Summit Mills in

Summit and Elklick Townships, **Somerset County**, United States Army Corps of Engineers, Pittsburgh District (Meyersdale and Markleton, PA Quadrangles N: 12.0 inches, W: 17.2 inches; Latitude: 39° 49' 15.1"; Longitude: 79° 7' 19.9"). The applicant proposes to place limestone sand piles in five locations within the channels of Elklick Creek (CWF) and a UNT to Elklick Creek (locally known as Cranberry Run) (Elklick Creek (CWF)) for the purpose of abating acid conditions within the stream. At three of

the locations along Elklick Creek, the limestone sand is proposed to be placed along 30 LF of the left descending bank, 4 feet deep. At the fourth site along Elklick Creek, the limestone sand is proposed to be placed along 30 LF of both banks, 2 feet deep. At the location along Cranberry Run, the limestone sand is proposed to be placed along both banks of the watercourse, 4 feet deep. The project proposes to impact 150 LF of stream channel.

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062618 (Minor Industrial Waste)	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018-6005	Northampton County Lehigh Township	UNT of Indian Creek 2C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
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
<i>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.</i>				
PA0088676 (Sew)	Justin Neidlinger Creek View Mobile Home Community Sewage Association, Inc. 493 Potato Road Carlisle, PA 17015	Cumberland County Upper Frankford Township	Conodoguinet Creek 7B	Y
PA0085502 (Sew)	DeAnn Corporation RVG Management and Development Company Manada Creek Mobile Home Park 1000 North Front Street Suite 240 Wormleysburg, PA 17043	Dauphin County East Hanover Township	UNT Manada Creek 7D	Y
PA0014605 (IW)	United Water Pennsylvania, Inc. R. C. Rabold Water Plant 4211 East Park Circle Harrisburg, PA 17111-0151	York County Fairview Township	Yellow Breeches Creek 7E	Y
<i>Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i>				
PA0025810 (Sewage)	Shade—Central City Joint Authority 429 Sunshine Avenue Central City, PA 15926	Somerset County Shade Township	Dark Shade Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
PA0239461	Jeremy E. Weiland 887 Ekastown Road Sarver, PA 16055-1207	Butler County Clinton Township	UNT to Sarver Run 18-F	Y
PA0003573	Schry Water Conditioning, Inc. 200 Portersville Road Ellwood City, PA 16117	Lawrence County Ellport Borough	Connoquenessing Creek 20-C	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. PA0026492, Sewage, **Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is located in City of Scranton, **Lackawanna County**.

Description of Proposed Action/Activity: Revocation and Re-issuance of NPDES Permit.

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

NPDES Permit No. PA0031461, Sewage, **Gary E. Waite, Bryan Hurst and Leo Pfadt, d/b/a Thomas Mobile Home Park**, P. O. Box 84, Waterford, PA 16441. This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage.

NPDES Permit No. PA0034878, Sewage, **Thomas P. Buie, d/b/a Springhill Estates MHP**, 11822 West Lake Road, East Springfield, PA 16411. This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage.

NPDES Permit No. PA0037893, Sewage, **East Brady Borough**, 502 Ferry Street, East Brady, PA 16028-1238. This proposed facility is located in East Brady Borough, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage.

NPDES Permit No. PA0001988, Industrial Waste, **INDSPEC Chemical Corporation**, 133 Main Street, Petrolia, PA 16050-0307. This proposed facility is located in Petrolia Borough, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated Industrial Waste.

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

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

WQM Permit No. 4508402, Sewerage, **Steve Parisi, The Woods**, P. O. Box 655, Brodheadsville, PA 18322. This proposed facility is located in Polk Township, **Monroe County**.

Description of Proposed Action/Activity: This project is for the construction of a wastewater treatment plant with design flows of 25,000 gpd and sewage collection system to service The Woods residential subdivision. Treated effluent will be disinfected, discharged to holding pond and land applied by means of spray irrigation.

WQM Permit No. 4508404, Sewerage, **Pocono Township Supervisors**, P. O. Box 197, Tannersville, PA 18372. This proposed facility is located in Hamilton and Pocono Boroughs, **Monroe County**.

Description of Proposed Action: Issuance of Water Quality Management Permit. Construction of sewer lines and pump stations to service the SR 611 and SR 715 corridors in Pocono, Paradise and Hamilton Townships, Monroe County.

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

WQM Permit No. 3609203, Sewage, **Noah W. Kreider and Sons, LLP**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction of manure storage facilities consisting of one 8-foot wide by 88-foot long by 6-foot deep reinforced concrete liquid manure storage structure; with an effective capacity of approximately 27,000 gallons, with 6 inches of freeboard, a subsurface perimeter drainage and leak detection system installed around the perimeter of the base of the structure, an observation pit that receives leak detection and perimeter drainage from the impoundment and an outlet pipe from the observation pit; ancillary improvements necessary to implement this project including pumps, prefabricated tanks and transfer lines.

WQM Permit No. 2109402, Sewage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit approves the construction/operation of sewerage facilities consisting of: Modifications to STP to meet the CBTS nutrient requirements using MLS process by converting the 2nd clarifiers to anoxic reactors, construction aeration tanks to double bioreactor capacity, constructing final Clarifier No. 3, and constructing denitrification filters with methanol as a supplemental carbon source. Mechanical equipment such as pumps, primary clarifier, and trickling filter mechanisms are replaced. Biosolids treatment is upgraded by adding composting operation.

WQM Permit No. 4495402, Amendment 09-1, Sewage, **Union Township Municipal Authority**, P. O. Box 5625, Belleville, PA 17004. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit approves the modifications to the sewerage facilities consisting of: Improvements to the blower system and Modifications to the aeration tank to improve Total Nitrogen removal.

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

WQM Permit No. 4909403, Sewage 4952, **Ralpho Township Municipal Authority**, 206 South Market Street, Suite 2, Elysburg, PA 17824-9602. This proposed facility is located in Shamokin Township, **Northumberland County**.

Description of Proposed Action/Activity: The applicant proposes to add a new sequencing batch reactor to the sewage plant.

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

WQM Permit No. 0270413-A5, Sewerage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108. This existing facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment authorizing the installation and operation of a Microturbine System.

WQM Permit No. 0209404, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237. This proposed facility is located in McCandless Township, **Allegheny County**.

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

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

WQM Permit No. 2588403, Sewerage, **Amendment No. 3, Albion Borough Municipal Authority**, 26 Smock Avenue, Albion, PA 16501. This proposed facility is located in Albion Borough, **Erie County**.

Description of Proposed Action/Activity: Issuance of an amended permit to upgrade the existing sewage treatment plant, primarily by increasing its organic design capacity.

WQM Permit No. WQG018712, Sewerage, **Tim Brown**, 21297 Britton Run Road, Centerville, PA 16404-6401. This proposed facility is located in Limestone Township, **Warren County**.

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

WQM Permit No. WQG018713, Sewerage, **Jerry A. and Melissa J. Hazlett**, 1031 Tarr Road, Titusville, PA 16354. This proposed facility is located in Cherrytree Township, **Venango County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509026	Alvin S. Fisher 510 White School Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI01 5109004	University of Pennsylvania 3101 Walnut Street Philadelphia, PA 19104	Philadelphia	City of Philadelphia	Schuylkill River WWF

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>
PAI024509002	White Stone Health Care Center, LLC Attn: Michael Kelly 401 Moltke Avenue Scranton, PA 18505	Monroe	Stroud Township	Tributary to Pocono Creek HQ-CWF, MF
PAI023909003	Evelyn Eisberg and Annette Sell 1500 West Hamilton Boulevard Allentown, PA 18102	Lehigh	Washington Township	Trout Creek CWF, MF
PAI024507008(1)	Pocono Township Route 611 P. O. Box 197 Tannersville, PA 18372	Monroe	Pocono and Hamilton Townships	Pocono Creek HQ-CWF, MF Scot Run Creek HQ-CWF, MF Transue Run HQ-CWF, MF Tributary to Scot Run Creek HQ-CWF, MF Swiftwater Creek HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509003	Arshad Hafreez SASI, Inc. 7072 Lyons View Court Murrysville, PA 15668	Westmoreland	Murrysville	Haymaker Run HQ

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>
Perry Township Jefferson County	PAG2103309002	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Perryville Run to Mahoning Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Middletown Township Bucks County	PAG200 0908034	Pereira Properties, LLC 2330 Big Oak Road Langhorne, PA 19047	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG200 0909054	Sicom Systems, Inc. 4140 Skyron Drive Doylestown, PA 18901	Pine Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Doylestown Borough Bucks County	PAG200 0909034	Bucks County Historical Society 84 South Pine Street Doylestown, PA 18901	UNT Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG200 4609009	Visitation BVM 196 North Trooper Road Norristown, PA 19403	UNT Stoney Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4609051	Homejestures, Inc. 727 East Rockhill Road Sellersville, PA 18960	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG200 4609061	D'Orsogna Builders 3058 Highley Road Audubon, PA 19047	Mine Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Limerick Township Montgomery County	PAG200 4609071	ERA Associates, Inc. 324 Limerick Center Road Pottstown, PA 19464	Brook Evans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth and Whitpain Townships Montgomery County	PAG200 4607100-2	Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Sawmill Run, Plymouth, Stony and Zacharias Creeks TSF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109027	Francisville East, LP 1501 Cherry Street Philadelphia, PA 19102	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hanover Township Luzerne County	PAG2004009014	Countrywood Realty, LLC Attn: Tracey Gribble R. R. 1 Box 284D Dallas, PA 18612-9731	Solomon Creek CWF, MF	Luzerne County Conservation District (570) 674-7991
Allen Township Northampton County	PAG2004804013R	Tim Livengood Stone Ridge Meadows, Inc. 4661 Lehigh Drive Walnutport, PA 18088	Dry Run CWF, MF Hokendauqua Creek CWF, MF	Northampton County Conservation District (610) 746-1971
Patton Township Centre County	PAG2001409007	Marianne Hogg The Village at Penn State—CCRC 361 President's Drive State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
East Buffalo Township Union County	PAG2006009003	Joe Sharp 200 Bentbirch Lane Mifflinburg, PA 17837	UNT to Millers Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Kelly Township Union County	PAG2006009004	Terry Napp Evangelical Community Hospital 1 Hospital Drive Lewisburg, PA 17837	Buffalo Creek TSF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Limestone Township Union County	PAG2006009005	Neil R. Moyer 546 Moyer Road Mifflinburg, PA 17844	Penns Creek WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Kelly Township Union County	PAG2006009006	Ernst Normington Normington Professional Building 210 JPM Road Suite 200 Lewisburg, PA 17837	UNT to Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860

<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>
Kelly Township Union County	PAG2006009007	Max Bossert Oak Heights, Phase 2 155 Bossert Boulevard West Milton, PA 17886	UNT to Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
East Franklin Township Armstrong County	PAG2000309007	Department of Transportation District 10-0 2550 Oakland Avenue Indiana, PA 15701	Glade Run Watershed CWF	Armstrong County Conservation District (724) 548-3425
West Brownsville Borough Washington County	PAG2006309022	Manheim Corporation 2025 Greentree Road Pittsburgh, PA 15220	UNT to Monongahela River WWF	Washington County Conservation District (724) 228-6774
Derry Township Westmoreland County	PAG2006509014	Mike Suleksy New Enterprise Stone and Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Conemaugh River WWF	Westmoreland County Conservation District (724) 837-5271
Arona Borough Westmoreland County	PAG2006509015	Barclay Reamer Arona Borough P. O. Box 182 Arona, PA 15617	Little Sewickley Creek TSF	Westmoreland County Conservation District (724) 837-5271
Hempfield Township Youngwood Borough Westmoreland County	PAG2006509016	M. Curtis Fontaine Municipal Authority of Westmoreland County P. O. Box 730 Greensburg, PA 15601	Sewickley Creek and 2 UNTs Jacks Run SSF	Westmoreland County Conservation District (724) 837-5271
Cranberry Township Butler County	PAG2001009018	Westinghouse Building No. 4 Martin Herman Cranwoods—WST, Ltd. Suite 135 1468 West 9th Street Western Reserve Building Cleveland, OH 44113	Brush Creek WWF	Butler County Conservation District (724) 284-5270

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>
North Manheim Township Cressona Borough Schuylkill County	PAR212221	Northeast Prestressed Products, LLC 121 River Street Cressona, PA 17929-1133	West Branch of Schuylkill River CWF Panther Creek	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Allegheny Township Blair County	PAR803586	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT Beaverdam Branch WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Wayne Township Clinton County	PAR504804	Clinton County Solid Waste Authority P. O. Box 209 264 Landfill Lane McElhattan, PA 17748-0209	UNT To West Branch Susquehanna River WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Elk and Paint Townships Clarion County	PAR808370	Clarion County Airport 395 Airport Road Shippenville, PA 16254	UNT to Deer Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil City Venango County	PAR208374	Schake Industries, Inc. P. O. Box 564 Seneca, PA 16346-0564	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenwood Township Crawford County	PAR238321	J. M. Manufacturing Company, Inc., d/b/a J. M. Eagle 5200 West Century Boulevard Los Angeles, CA 90045	UNT to Conneaut Outlet	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<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>
Hilltown Township Bucks County	PAG040129	Delbert and Karen Grotewold 423 Twinbrook Road Perkasie, PA 18944	UNT to Pleasant Springs Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Penn Township Berks County	PAG043515	Royal C. Stout 144 Plum Creek Road Bernville, PA 19506	Plum Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Antis Township Blair County	PAG043716	Shawn and Tracy McElravy 557 Bell Tip Road Tyrone, PA 16686	UNT Little Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Ephrata Borough Lancaster County	PAR223517	Skyline Corporation P. O. Box 743 Elkhart, IN 46515	Cocalico Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mt. Pleasant Township Westmoreland County	PAG046113	Ernest B. Clawson 507 Moccasin Hollow Road Mt. Pleasant, PA 15666	Tributary to Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Connoquenessing Township Butler County	PAG048654	Richard C. Franke 637 New Castle Road Butler, PA 16001	Semiconon Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Limestone Township Warren County	PAG049535	Tim Brown 21297 Britton Run Road Centerville, PA 16404-6401	Allegheny River 16-F	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County*

Cherrytree Township
Venango County

Permit No.
PAG049536

*Applicant Name &
Address*

Jerry A. and Melissa J.
Hazlett
1031 Tarr Road
Titusville, PA 16354

*Receiving
Water/Use*

UNT to Cherrytree
Run
16-E

*Contact Office &
Phone No.*

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

Fairview Township
York County

Permit No.
PAG083510

*Applicant Name &
Address*

Lower Allen Township
Authority
120 Limekiln Road
New Cumberland, PA
17070-2428

*Site Name &
Location*

Lower Allen
Township Authority
120 Limekiln Road
New Cumberland,
PA 17070-2428

*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*

Oliver Township
Mifflin County

Permit No.
PAG083571

*Applicant Name &
Address*

McVeytown Borough
Authority
P. O. Box 321
McVeytown, PA 17051

*Site Name &
Location*

George Harshbarger
Farm
Oliver Township
Mifflin County

*Contact Office &
Phone No.*

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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. 2400136, Operations Permit, Public Water Supply.

Applicant **Borough of Freeland
Municipal Authority**
Sandy Run Water System
711 Birkbeck Street
P. O. Box C
Freeland, PA 18224

Township or Borough Foster Township
County **Luzerne**

Type of Facility PWS

Consulting Engineer Christopher McCue, P. E.
Borton-Lawson
613 Baltimore Drive
Suite 300
Wilkes-Barre, PA 18702

Permit to Operate Issued September 14, 2009

Permit No. 2400054, Operations Permit, Public Water Supply.

Applicant **Borough of Freeland
Municipal Authority**
711 Birkbeck Street
P. O. Box C
Freeland, PA 18224

Township or Borough Freeland Borough

County	Luzerne	Type of Facility	Construction of the 18th Ward Booster Pump Station, relining of an existing 16" water main along 11th Street from Cotton Street north to Spring Street and replacement of 8,000 existing water service meters.
Type of Facility	PWS		
Consulting Engineer	Christopher McCue, P. E. Borton-Lawson 613 Baltimore Drive Suite 300 Wilkes-Barre, PA 18702		
Permit to Operate Issued	September 14, 2009		The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the intended funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Uniform Environmental Report for the project, has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on August 25, 2009.
Permit No. 3480050, Operations Permit, Public Water Supply.			
Applicant	Easton Suburban Water Authority 3700 Hartley Avenue Easton, PA 18045		
Township or Borough	City of Easton		
County	Northampton		
Type of Facility	PWS		
Consulting Engineer	Dennis W. Silbaugh, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106	Consulting Engineer	Max C. Kurbjun, Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth Meeting, PA 19462
Permit to Operate Issued	September 10, 2009		
Permit No. 5407502, Public Water Supply.			
Applicant	Charles Header Laurel Springs Bulk Water Loading Facility 82 Mabel Road Ashland, PA 17921	Permit to Construct Issued	September 9, 2009
Township or Borough	Barry Township		
County	Schuylkill		
Type of Facility	Bulk Water Hauling Station		
Consulting Engineer	Edward E. Davis, Sr., P. E. Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608		
Permit to Construct Issued	September 10, 2009		
<i>Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>			
Permit No. 0609505, Public Water Supply.			
Applicant	Reading Area Water Authority		
Township or Borough	Reading Township		
County	Berks		
		Consulting Engineer	Lawrence J. Lennon, P. E. Lennon, Smith, Souleret Engineering, Inc. 846 Fourth Avenue Coraopolis, PA 15108-1522
		Permit to Construct Issued	September 9, 2009
			The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the intended funding source for this project. The Department of Environmental Protection's (Department) review of the project, and the information received in the Uniform Environmental Report for the project, has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on August 25, 2009.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 3060133, Centre Township, **Berks County** on September 9, 2009, for the operation of facilities approved under Construction Permit No. 0609509 MA.

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

Permit No. 3009501, Public Water Supply.

Applicant	Southwestern Pennsylvania Water Authority P. O. Box 187 1442 Jefferson Road Jefferson, PA 15344
Township or Borough	Cumberland Township
County	Greene
Type of Facility	Village of Nemaquin project
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Permit to Construct Issued	September 17, 2009

Permit No. 2609504, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033
Township or Borough	Brownsville Borough
County	Fayette
Type of Facility	Water treatment plant
Consulting Engineer	
Permit to Construct Issued	September 20, 2009

Permit No. 2690502A2, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033
Township or Borough	Luzerne Township
County	Fayette
Type of Facility	Hiller Reservoir
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Permit to Construct Issued	September 20, 2009

Operations Permit issued to **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108 (PWSID No. 5020011) Moon Township, **Allegheny County** on September 17, 2009, for the operation of facilities approved under Construction Permit No. 0209504MA.

Operations Permit issued to **New Sewickley Township Municipal Authority**, 233 Miller Road, Rochester, PA 15047 (PWSID No. 5040085) New Sewickley Town-

ship, **Beaver County** on September 17, 2009, for the operation of facilities approved under Construction Permit No. 0409503MA.

Permit No. 2608503MA, Minor Amendment, Public Water Supply.

Applicant	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Township or Borough	Rostraver and South Huntingdon Townships
County	Westmoreland
Type of Facility	Water system
Consulting Engineer	MS Consultants, Inc. Airport Office Park 4 333 Rouser Road Coraopolis, PA 15108
Permit to Construct Issued	September 20, 2009

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

Transfer of Operations Permit issued to **Thomas P. Buie, d/b/a Springhill Estates Mobile Home Park**, PWSID No. 6200073, Spring Township, **Crawford County**, September 16, 2009, Permit No. 2092501-T3. Action is for a change in ownership only; all original permitted requirements remain in effect to service and supply the mobile home park.

Operations Permit issued to **Crosby Water Association**, PWSID No. 6420012, Norwich Township, **McKean County**, September 16, 2009, for the operation of two Pentair fiberglass water storage tanks, as approved by construction Permit No. 4287504-MA1, issued December 19, 2008.

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

Wellhead Protection Program Approval issued to **North Penn Water Authority**, PWSID 1460034, 300 Forty Foot Road, Lansdale, **Montgomery County** on September 3, 2009.

Wellhead Protection Program Approval issued to **Bedminster Municipal Authority**, PWSID 1090104, P. O. Box 92, Bedminster, Pennridge Area, **Bucks County** on September 3, 2009.

Wellhead Protection Program Approval issued to **Dublin Borough Water Department**, PWSID 1090107, 119 Maple Avenue, P. O. Box 52, Dublin, Pennridge Area, **Bucks County** on September 3, 2009.

Wellhead Protection Program Approval issued to **Hilltown Township Water and Sewer Authority**, PWSID 1090117, P. O. Box 365, Sellersville, Pennridge Area, **Bucks County** on September 3, 2009.

Wellhead Protection Program Approval issued to **North Penn Water Authority**, PWSID 1090141, 300 Forty Foot Road, Lansdale, **Montgomery County** on September 3, 2009.

Wellhead Protection Program Approval issued to **Perkasie Borough Authority**, PWSID 1090046, 306 North Fifth Street, Perkasie, Pennridge Area, **Bucks County** on September 3, 2009.

Wellhead Protection Program Approval issued to **Sellersville Borough Water Department**, PWSID

1090062, 140 East Church Street, Perkasio, Pennridge Area, **Bucks County** on September 3, 2009.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Armstrong World Industries/Lancaster's Northwest Gateway, City of Lancaster and Manheim Township, **Lancaster County**. ARM Group, P. O. Box 797, Hershey, PA 17033, on behalf of EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a Final Report concerning remediation of groundwater contaminated with VOCs, SVOCs and metals. The site has a non-use aquifer designation, and will be remediated to the Residential Statewide Health Standard.

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

Palmer Industrial Coatings, Inc., Woodward Township, **Lycoming County**. Palmer Industrial Coatings Inc., 191 Palmer Industrial Road, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former National Transit Company Reno Station, Sugarcreek Township, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Combined Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soil contaminated with anthracene, arsenic, barium and compounds, benzene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[ghi]perylene, benzo[k]fluoranthene, sec-butylbenzene, tert-butylbenzene, cadmium, chromium (III), chrysene, cumene, cyclohexane, ethyl benzene, fluoranthene, lead, mercury, phenanthrene, n-propylbenzene, pyrene, selenium, silver, toluene, 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene), xylenes (total) and site groundwater contaminated with arsenic, barium and compounds, benzene, bis[2-ethylhexyl]phthalate, sec-butylbenzene, tert-butylbenzene, cumene, cyclohexane, ethyl benzene, lead, naphthalene, n-propylbenzene, toluene, 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene), xylenes (total). The Combined Remedial Investigation/Risk Assessment/Final 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.

Paint Mill Road Property, Paint Mill Road, Washington Township, **Lehigh County**. William B. Gilchrist, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 submitted a Final Report (on behalf of his client Lehigh County, Lehigh County Government Center, 17 South Seventh Street, Allentown, PA 18101), concerning the remediation of soil found to have been impacted by inorganics (arsenic and hexavalent chromium) as a result of historical operations at an adjacent former paint and pigment factory. The report met the requirements of the Site-Specific Standard and was approved on September 14, 2009.

Former Reinhard Elementary School, 309—315 Northampton Street, Hellertown Borough, **Northampton County**. Christopher T. Kotch, Barry Isett and Associates, Inc., P. O. Box 147, 85 South Route 100 and Kressler Lane, Trexlertown, PA 18087, on behalf of his client, Hellertown Borough, 685 Main Street, Hellertown, PA 18041, submitted a Final Report concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 6,000-gallon underground storage tank during the tank removal process. The report documented attainment of the Statewide Health Standard and was approved on September 17, 2009.

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

Little Mountain Estates Lot 43, Marysville Borough, **Perry County**. Herbert, Rowland, and Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Property Management, Inc., P. O. Box 622, Lemoyne, PA 17043 and Doryann Evans, 398 Kings Highway, Lot 43, Marysville, PA 17053, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and demonstrated attainment of the Residential Statewide Health Standard. The Department of Environmental Protection approved the Final Report on September 9, 2009.

Esbin Property, West Lampeter Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Josephine Esbin, 1719 Pennsylvania Avenue, Lancaster, PA 17602-2603, submitted a Remedial Investigation Report and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The combined report demonstrated attainment of the Residential Statewide Health and Site-Specific Standards, and was approved by the Department of Environmental Protection on September 14, 2009.

Palmyra Recycling Center/Waste Management, Palmyra Borough, **Lebanon County**. Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of WM Recycle America, LLC, 123 East High Street, Palmyra, PA 17078, submitted a Final Report concerning remediation of soils and groundwater contaminated with metals and PCBs. The final report demonstrated attainment of the Nonresidential Statewide Health and Site-Specific Standards, and was approved by the Department of Environmental Protection on September 14, 2009.

RW Sauder, Inc. Lititz Division, Warwick Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Avenue, Lancaster, PA 17602, on behalf of RW Sauder, Inc., 570 Furnace Hills Pike, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with used motor oil. The report was submitted within 90 days of the release and demonstrated attainment of the Residential Statewide Health Standard. The Department of Environmental Protection approved the report on September 17, 2009.

RESIDUAL WASTE GENERAL PERMITS

Permits Renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Number WMGR040. Safety Kleen Systems, Inc., 5400 Legacy Drive, Plano, TX 75024-3105. General Permit Number WMGR040 authorizes processing prior to beneficial use of waste oil (including waste oil mixed with hazardous waste regulated under 40 CFR 261.5 incorporated by reference at 25 Pa. Code § 261a.1 and modified at § 261a.5), spent antifreeze, and waste oil/water mixtures. The approved processing is limited to the transfer of waste oil, waste oil/water mixtures and spent antifreeze generated from motor vehicles to rail cars for transport (rail transloading). The permit was renewed by Central Office on September 18, 2009.

Continued operation of the following facilities is authorized under General Permit Number WMGR040:

WMGR040 Baumer Street, Johnstown, PA 15901

WMGR040A 600 Stewart Road, Wilkes-Barre, PA 18706

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

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

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGM011D001. Advanced Disposal Solutions, Inc., 2200 East Adams Avenue, Philadelphia, PA 19124.

General permit WMGM011D001 is for the beneficial use of separated and processed construction waste to produce mulch for use as a soil additive and as an aggregate for use in concrete or asphalt mixtures for construction purposes, generated at the Advanced Disposal Solutions, Inc. facility located in the City of Philadelphia. The general permit was issued by Central Office on September 2, 2009.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued 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. §§ 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR079D003. ICM of Pennsylvania, Inc., 638 Lancaster Avenue, Malvern, PA 19355.

The general permit WMGR079D003 is for the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a sub-base for road and driveway construction, processed at Cedar Hill Quarry Plant, located in Fulton Township, **Lancaster County**. Central Office approved the determination of applicability on September 17, 2009.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste

Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101427. Pine Grove Landfill, Pine Grove Landfill, Inc., P. O. Box 307, Pine Grove, PA 17963. A major permit modification for the revisions to the groundwater and surface water sampling for Pads 10 and 11 at this municipal waste landfill located in Pine Grove Township, **Schuylkill County**. The permit modification was approved and issued by the Regional Office on September 16, 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.

58-310-019GP3: Powers Stone, Inc., R. R. 5, Box 124, Montrose, PA 18801, on September 16, 2009, to construct and operate a Portable Crushing Operation with watersprays at the site in Forest Lake Township, Susquehanna County.

58-329-009GP9: Powers Stone, Inc., R. R. 5, Box 124, Montrose, PA 18801, on November 13, 2008, to install and operate a Diesel I/C engine at their site in Forest Lake Township, Susquehanna County.

40-310-080GP3: Haines and Kibblehouse, P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474, on September 16, 2009, to construct and operate a Portable Crushing Operation with watersprays at the WB/SCR Airport site in Pittston Township, Luzerne County.

40-329-008GP9: Haines and Kibblehouse, P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474, on May 8, 2008, to install and operate a Diesel I/C Engine at the WB/SCR Airport site in Pittston Township, Luzerne County.

45-323-004GP4: Excel Storage Products, LP, P. O. Box 407, Route 447 North, East Stroudsburg, PA 18301-0407, on September 17, 2009, to install and operate a burn off oven at their site located in Stroud Township, Monroe County.

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

GP1-36-03168A: Franklin & Marshall College, 415 Harrisburg Avenue, Lancaster, PA 17604, on September

18, 2009, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in the City of Lancaster, **Lancaster County**.

GP14-36-03182: Charles F. Snyder Funeral Home, Inc., 3110 Lititz Pike, Lititz, PA 17543, on September 16, 2009, for Human or Animal Crematories under GP14 in Manheim Township, **Lancaster County**.

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

GP5-08-293: Chesapeake Appalachia, LLC, P. O. Box 6070, Charleston, WV 25362, on August 31, 2009, to construct and operate a 384-brake hp natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Vargson Compressor Station in Granville Township, **Bradford County**.

GP5-59-192: Seneca Resources Corp., 2131 Mars Court, Bakersfield, CA, 93308-6830, on August 31, 2009, to construct and operate two natural gas-fired compressor engines each rated at 1,004-brake hp and each equipped with a catalytic converter and one glycol dehydrator rated at 375,000 Btu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Cherry Flats Compressor Station in Covington Township, **Tioga County**.

GP5-59-193: Ultra Resources, Inc., P. O. Box 1768, Pinedale, WY 82941, on September 21, 2009, to construct and operate a 625-brake hp natural gas-fired compressor engine with catalytic converter, four natural gas-fired line heaters each rated at 0.75 mmBtu/hr, four natural gas-fired glycol reboilers each rated at 0.085 mmBtu/hr, four glycol still vent combustors each rated at approximately 0.57 mmBtu/hr, and four glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Kjelgaard Compressor Station in Gaines Township, **Tioga County**.

GP5-59-194: Ultra Resources, Inc., P. O. Box 1768, Pinedale, WY 82941, on September 21, 2009, to construct and operate a 625-brake hp natural gas-fired compressor engine with catalytic converter, four natural gas-fired line heaters each rated at 0.75 mmBtu/hr, four natural gas-fired glycol reboilers each rated at 0.085 mmBtu/hr, four glycol still vent combustors each rated at approximately 0.57 mmBtu/hr, and four glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Pierson Compressor Station in Gaines Township, **Tioga 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.

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.—Harrisville Asphalt Plant, 157 Industrial Boulevard, Grove City, PA

16127, on September 17, 2009, to include increased emission limits for NOx and CO and establish SOx limit when combusting coal, three portable nonmetallic mineral processing plants with associated generators and RAP system additions/modifications at their facility in Barkeyville Borough, **Venango County**. This is a Title V facility.

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

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

09-0175: Hanson Aggregates BMC, Inc., 852 Swamp Road, Penns Park, PA 18943, on September 21, 2009, to operate new pit conveyors in Wrightstown Township, **Bucks County**.

09-0186B: Kinder Morgan Bulk Terminals, Inc., 1 Sinter Road, Fairless Hills, PA 19030, on September 21, 2009, to operate a fertilizer transfer and storage operation in Falls Township, **Bucks County**.

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

22-05053A: McDermitt Concrete, Inc., 2090 North Union Street, Middletown, PA 17057, on September 15, 2009, to construct a hot mix batch asphalt plant controlled by a fabric collector at their Fiddler's Elbow Plant in Lower Swatara Township, **Dauphin County**. This plan approval was extended.

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

08-00003C: CraftMaster Manufacturing, Inc., P. O. Box 311, Shiner Road, Towanda, PA 18848, on September 1, 2009, to extend authorization to operate wood-fired boiler No. 3 and dry fuel handling equipment identified in the respective plan approval on a temporary basis until March 19, 2010, at their facility in Wysox Township, **Bradford County**. The plan approval has been extended.

08-00002B: E. I. DuPont de Nemours and Co., Patterson Boulevard, Towanda, PA 18848, August 31, 2009, to authorize construction and operation of a 15 mm Btu/hr thermal fluid heater until February 17, 2010, in North Towanda Township, **Bradford County**. The plan approval has been extended.

08-00002C: E. I. DuPont de Nemours and Co., Patterson Boulevard, Towanda, PA 18848, on August 31, 2009, to authorize construction and operation of a thermal color coater (No. 11 Coater) and associated air cleaning device (a regenerative thermal oxidizer) until February 27, 2010, in North Towanda Township, **Bradford County**. The plan approval has been extended.

14-00014D: Glenn O. Hawbaker, Inc., 711 East College Avenue, Bellefonte, PA 16823, on September 11, 2009, to construct a 4,800,000-gallon liquid asphalt storage tank, a hopper and feeder, a 42-inch by 201-foot channel frame conveyor and a 42-inch by 170-foot telescoping stacker conveyor, to install a curtain at the feeder area, to install a chute on the conveyors, and to process coal and road salt in their railcar loading/unloading operation. A plan approval condition will also be revised

to increase the annual emissions limitations resulting from the proposed modifications at their facility in Spring Township, **Centre County**.

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

65-302-071: ArcelorMittal Monessen, LLC, 345 Donner Avenue, Monessen, PA 15062, plan approval extension is effective September 25, 2009, with an expiration date of March 25, 2010, to allow for continued temporary operation of two coke oven gas/natural gas boilers at the Monessen Coke Plant, located in the City of Monessen, **Westmoreland County**.

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

10-0210: Indspec Chemical Corp., 133 Main Street, P. O. Box 307, Petrolia, PA 16050, on September 30, 2009, to replace burners in the Bertrams No. 1 and No. 2 furnaces with LNB (12.8 mmBtu/hr each) in Petrolia Borough, **Butler County**. The facility is a Title V Facility.

24-083P: Carbone of America—Graphite Materials Division, 215 Stackpole Street, St. Marys, PA 15857, on September 14, 2009, to modify plan approval 24-083N to include three additional mixers at their facility in Benzinger Township, **Elk County**.

37-243E: International Metals Reclamation Company, One Inmetco Drive, Ellwood City, PA 16117, on September 15, 2009, modify an inplant baghouse at their facility in Ellwood City, **Lawrence County**.

61-004D: Electralloy, 175 Main Street, Oil City, PA 16301, September 30, 2009, to install a new fabric filter to replace the existing scrubber to control emissions from the electric arc furnace and AOD vessels at their facility in the Borough of Oil City, **Venango County**. This is a Title V facility.

62-017P: United Refining Co., 15 Bradley Street, Warren, PA 16365, on September 30, 2009, to modify Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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

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

06-05002: Lehigh Cement Co., 537 Evansville Road, Fleetwood, PA 19522-8541, on September 14, 2009, for their cement manufacturing facility in Maiden creek Township, **Berks County**. This is a renewal of the Title V operating permit.

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.

23-00035: Community Light and Sound, Inc., 333 East 5th Street, Chester, PA 19013-4511, on September

15, 2009, for renewal of a non-Title V, State-only, Synthetic Minor Permit in Chester City, **Delaware County**. Community Light and Sound is a manufacturer of household audio and video equipment. The facility has taken site level restriction limits of 24.9 tpy for VOCs and 9.9 tpy for any single HAP and 24.9 tpy for combined HAPs. The restrictions will ensure that Community Light and Sound remains under the emission thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00008: Tavo Packaging, Inc., 2 Canal Road, Fairless Hills, PA 19030, on September 16, 2009, for renewal of the original State-only Operating Permit (Natural Minor) in Falls Township, **Bucks County** which was issued on July 26, 2004. There have been no other changes made to the permit since it was issued on July 26, 2004. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

40-00072: Genova PA, Inc., 502 Forest Road, Hazle Township, PA 18202, on September 15, 2009, to renew the State-only Permit for the operation of a plastic products manufacturing facility in Hazle Township, **Luzerne County**.

52-00005: Springbrook Enterprises, Inc., 504 Well Road, Hawley, PA 18428-6021, on September 15, 2009, to renew the State-only Permit for operation of a nonmetallic mineral crushing and screening process in Blooming Grove Township, **Pike County**.

35-00053: Metkote Laminated Products, Inc., 1151 Union Street, Taylor, PA 18517-1605, on September 15, 2009, to renew the State-only Permit the operation of a vinyl to metal laminating operation in Taylor Borough, **Lackawanna County**.

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

67-05104: Tate Access Floors, Inc., 52 Springvale Road, P. O. Box 398, Red Lion, PA 17356, on September 17, 2009, to operate their access flooring systems manufacturing facility in Windsor Township, **York County**. This is a renewal of the previous State-only operating permit.

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

47-00011: Hanson Aggregates (PA), Inc., 7660 Imperial Way, Allentown, PA 18195, on September 1, 2009, to issue a State-only Operating Permit for their facility in Limestone and Liberty Townships, **Montour County**. The facility's main sources include three crushers (primary, secondary and tertiary) and associated screens, feeders and conveyors. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00020: Meckley's Limestone Products, Inc., 1543 SR 225, Herndon, PA 17830, on September 9, 2009, to issue a State-only (synthetic minor) Operating Permit for their hot-mix asphalt plant in Franklin Township, **Snyder County**. The facility's main sources include haul roads and batch, hot-mix asphalt operation and equipment. The State-only (synthetic minor) operating permit

contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

20-00037: US Bronze Foundry & Machine, Inc., 18649 Brake Shoe Road, P. O. Box 458, Meadville, PA 16335, on September 10, 2009, to re-issue 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.

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.

09-00027: Fres-Co Systems, USA, LLC, 3005 State Road, Telford, PA 18969, on September 16, 2009, 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.

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

21-05021: Mechanicsburg Terminals Corp., P. O. Box 2621, Harrisburg, PA 17105-2321, on September 18, 2009, to construct a loading rack controlled by a vapor combustion unit at Mechanicsburg North Terminal at 127 Texaco Road, Silver Spring Township, **Cumberland County**. This State-only operating permit was administratively amended due to a name change. This is Revision No. 1.

67-03145: Weldon Machine Tool, Inc., 425 East Berlin Road, York, PA 17408, on September 15, 2009, to operate a coating booth at their facility in West Manchester Township, **York County**. This State-only operating permit was administratively amended to correct the facility address. This is Revision No. 1.

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

49-00026: Ergon Asphalt and Emulsions, Inc., P. O. Box 1639, Jackson, MS 17857, on August 31, 2009, to issue a revised State-only (Natural Minor) operating permit for a change of ownership of their Northumberland facility from SemMaterials, LP to Ergon Asphalt and

Emulsions, Inc. in Point Township, **Northumberland County**. This revised State-only (Natural Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

56-00159: Somerset County Technology Center, 281 Technology Drive, Somerset, PA 15501-4309, for operation of a tri-fuel boiler at the Technical School in Somerset Township, **Somerset County**. On September 21, 2009, the non-Title V operating permit was administratively amended to change responsible official, permit contact and address.

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.

32951301 and NPDES Permit No. PA0215821. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit for the Toms Run Mine in Burrell Township, **Indiana County** to expand the underground permit and subsidence control plan area acreage. Underground Acres Proposed 386.6, Subsidence Control Plan Acres Proposed 386.6. No additional discharges. Application received February 6, 2006. Permit issued September 18, 2009.

30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company, LLC, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323, to revise the permit for the Bailey Mine and Prep Plant in Richhill and Aleppo Townships, **Greene County** to add underground permit and subsidence control plan acres for development mining. Underground Acres Proposed 122.0, Subsidence Control Plan Acres Proposed 122.0. No additional discharges. Application received February 24, 2009. Permit issued September 21, 2009.

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

56703107 and NPDES No. PA0605956. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township,

Somerset County, affecting 863 acres. Receiving streams: UNT to Paint Creek, UNT to/and Kauffman Run, Stonycreek, Shade Creek classified for the following uses: CWF and WWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received June 12, 2009. Permit issued September 14, 2009.

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. Permit issued September 14, 2009.

56970105 and NPDES No. PA0234630. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, transfer of an existing bituminous surface mine from Sherpa Mining Contractors, Inc. located in Paint Township, **Somerset County**, affecting 171.0 acres. Receiving streams: UNTs to/and Stonycreek River classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 4, 2009. Permit issued September 14, 2009.

32803053 and NPDES No. PA0124770. A & T Coal Company, Inc., c/o Ace Engineering and Consulting, P. O. Box 327, Punxsutawney, PA 15767, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Banks Township, **Indiana County**, affecting 160 acres. Receiving stream: UNT to South Branch Bear Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 13, 2009. Permit issued September 15, 2009.

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

65080101 and NPDES Permit No. PA0251526. V.P. Smith Company, Inc., 3435 Route 30 East, Latrobe, PA 15650. Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 14.6 acres. Receiving stream: UNT to Stone Run. Application received December 1, 2008. Permit issued September 17, 2009.

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

54-305-013GP12. South Tamaqua Coal Pockete, Inc., 804 West Penn Pike, Tamaqua, PA 18252, general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54070104 in Blythe Township, **Schuylkill County**. Application received June 8, 2009. Permit issued September 15, 2009.

54870102R4 and NPDES Permit No. PA0593923. Joe Kuperavage Coal Company, 916 Park Avenue, Port Carbon, PA 17965, renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 106.1 acres, receiving stream: UNT to East Brach Schuylkill River. Application received February 4, 2009. Renewal issued September 18, 2009.

Noncoal Permits Actions

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

63080601 and NPDES Permit No. PA0251682. Fayette Coal and Coke, Inc., 195 Enterprise Lane, Connellsville, PA 15425. Permit issued for commencement, operation and reclamation of a noncoal surface mining site located in Buffalo Township, **Washington County**, affecting 40.1 acres. Receiving streams: UNTs to Buffalo Creek. Application received May 1, 2009. Permit issued September 16, 2009.

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

42092803. John J. Gentilman, 214 Chestnut Street, Kane, PA 16735. Commencement, operation and restoration of a small noncoal sandstone and shale operation in Wetmore Township, **McKean County** affecting 5 acres. Receiving streams: UNT to Hubert Run. Application received August 6, 2009. Permit Issued September 11, 2009.

20870305. Hillside Stone, LLC, 9397 Fauncetown Road, Titusville, PA 16354-2727. Revision to an existing sand and gravel operation to add 4 acres in Troy Township, **Crawford County** affecting 37.5 acres. This revision also includes an increase to the depth of mining and a land use change from terrace to unmanaged water impoundment. Receiving stream: Sugar Creek. Application received December 18, 2008. Permit Issued September 17, 2009.

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

5273SM2C13 and NPDES Permit No. PA0594130. Hanson Aggregates Pennsylvania, Inc., 7660 Imperial Way, Allentown, PA 18195, correction to an existing quarry operation in Thornbury and Middletown Townships, **Delaware County** affecting 247.3 acres, receiving streams: Chester Creek and UNT to Chester Creek. Application received September 29, 2008. Correction issued September 21, 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

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

08094103. Meshoppen Blasting Inc., Frantz Road, P. O. Box 127, Meshoppen, PA 18630, construction blasting for a well site located in Terry Township, **Bradford County**. Permit issued September 9, 2009. Permit expires September 30, 2009.

41094005. Appalachian Geophysical Services, LLC, 2659 SR 60, P.O. Box 426, Killbuck, OH 44637-0426, seismic data acquisition blasting located in Watson and McHenry Townships, **Lycoming County**. Permit issued September 2, 2009. Permit expires October 31, 2009.

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

36094163. Keystone Blasting Service, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for Willow Creek in Ephrata Township, **Lancaster County** with an expiration date of September 11, 2010. Permit issued September 15, 2009.

36094164. Abel Construction Co., Inc., P. O. Box 476, Mountville, PA 17554, construction blasting for The Falls at Olde Mill in East Lampeter Township, **Lancaster County** with an expiration date of December 10, 2010. Permit issued September 15, 2009.

40094115. Austin Powder Northeast, LLC, 25800 Science Park Drive, Cleveland, OH 44122, construction blasting for Centerpoint East in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of October 1, 2010. Permit issued September 16, 2009.

36094165. Warren's Excavating and Drilling, Inc., P. O. Box 214, Myerstown, PA 17067, construction blasting for Grace Brethren Church of Lititz in Warwick Township, **Lancaster County** with an expiration date of September 14, 2010. Permit issued September 17, 2009.

36094166. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241, construction blasting for West Lampeter PPL Pole Job in West Lampeter Township, **Lancaster County** with an expiration date of September 16, 2010. Permit issued September 17, 2009.

36094167. Keystone Blasting Service, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for a single dwelling in Ephrata Township, **Lancaster County** with an expiration date of October 30, 2009. Permit issued September 17, 2009.

52094112. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Lackawaxen, PA 18435, construction blasting for commercial development in Palmyra Township, **Pike County** with an expiration date of September 14, 2010. Permit issued September 17, 2009.

67094119. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013, construction blasting for Briarcliff in Fairview Township, **York County** with an expiration date of September 13, 2010. Permit issued September 17, 2009.

58094014. Dynamic Drilling, 10373 Taylor Hawks Road, Herron, MI 49744 and George C. Klopff, 143 West Blade Drive, Pennsylvania Furnace, PA 16865, construction blasting for Seismic Exploration in Bridgewater, Rush, Jessup, Dimock, Brooklyn, Auburn, Springville and Lathrop Townships, **Susquehanna County** with an expiration date of October 31, 2010. Permit issued September 21, 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 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 Floodplain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-529. Penn Regional Business Center, Seven Bridges Road, Route 209, R.R. 5, Box 5348, East Stroudsburg, PA 18301. Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.12 acre of PSS wetlands and to place fill in 360 linear feet of a UNT to Brodhead Creek (HQ-CWF) for the purpose of constructing an office building, associated parking lot and driveways. The permittee is required to provide 0.34 acre of replacement wetlands. The project is located on the northeast side of SR 0447 approximately 0.60 mile northwest of the intersection of SR 0209 and SR 0447 (East Stroudsburg, PA Quadrangle Latitude: 41° 0' 30"; Longitude: -75° 09' 41") in Smithfield Township, **Monroe County**. (Subbasin: 1E)

E45-530. Thomas R. Wilkins, 304 Park Avenue, Stroudsburg, PA 18360. Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

Place fill in 0.06 acre of EV PFO wetlands for the purpose of constructing a driveway crossing consisting of two 24-inch diameter, 29-L.F. HDPE culverts. The project

is located on the north side of Alpine Road, approximately 1.67 miles south east of the intersection of SR 191 and SR 715 (Mount Pocono, PA Quadrangle Latitude: 41° 7' 6"; Longitude: -75° 15' 9"), in Paradise Township, **Monroe County**. (Subbasin: 1E)

E45-533. Pocono Township, P. O. Box 197, Tannersville, PA 18372. Pocono and Hamilton Townships, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Pocono and Hamilton Townships Sewerage System Project for the purpose of constructing a 7-mile long central sanitary sewage collection system to serve the SR 0611 and SR 715 corridor. The project begins at the intersection of SR 0611 and SR 314 (Mount Pocono, PA Quadrangle Latitude: 41° 5' 39"; Longitude: -75° 19' 39") in Pocono Township, Monroe County. The project ends 0.6 mile northwest of the intersection of I-80 and SR 33 (Mount Pocono, PA Quadrangle Latitude: 41° 0' 7"; Longitude: -75° 16' 33") in Hamilton Township, Monroe County.

1. Two 8-inch diameter and one 6-inch diameter concrete encased PVC sanitary sewer force main crossing of Swiftwater Creek (HQ-CWF) (Latitude: 41° 05' 39"; Longitude: -75° 19' 39") in Pocono Township.

2. An 18-inch diameter PVC gravity sanitary sewer main crossing of Scot Run (HQ-CWF) (Latitude: 41° 04' 38"; Longitude: -75° 19' 39") in Pocono Township.

3. An 18-inch diameter concrete encased PVC gravity sanitary sewer main crossing of Scot Run (HQ-CWF) and approximately 75 feet of adjacent EV, PFO wetlands with temporary wetland impacts of 0.09 acre (Latitude: 41° 04' 12"; Longitude: -75° 19' 20") in Pocono Township.

4. An 8-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Scot Run (HQ-CWF) and approximately 55 feet of adjacent EV, PFO wetlands with temporary wetland impacts of 0.03 acre (Latitude: 41° 03' 54"; Longitude: -75° 19' 04") in Pocono Township.

5. An 18-inch diameter concrete encased PVC gravity sanitary sewer main crossing of Transue Run (HQ-CWF) (Latitude: 41° 03' 54"; Longitude: -75° 19' 10") in Pocono Township.

5A. A 22-L.F., 6-inch diameter perforated HDPE pavement base drain pipe and stormwater outfall structure within the 100-year floodway of Transue Run (HQ-CWF) (Latitude: 41° 03' 54"; Longitude: -75° 19' 10") in Pocono Township.

6. An 18-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Scot Run (HQ-CWF) (Latitude: 41° 03' 43"; Longitude: -75° 19' 03") in Pocono Township.

6A. An 85-L.F., 6-inch diameter perforated HDPE pavement base drain pipe and stormwater outfall structure within the 100-year floodway of a UNT to Scot Run (HQ-CWF) (Latitude: 41° 03' 43"; Longitude: -75° 19' 03") in Pocono Township.

7. An 8-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Scot Run (HQ-CWF) (Latitude: 41° 03' 54"; Longitude: -75° 19' 02") in Pocono Township.

8. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of Scot Run (HQ-CWF) (Latitude: 41° 03' 43"; Longitude: -75° 19' 00") in Pocono Township.

9. A 24-inch diameter PVC gravity sanitary sewer main crossing of approximately 24 feet of EV, PEM wetlands

with temporary wetland impacts of 0.05 acre (Latitude: 41° 03' 39"; Longitude: -75° 19' 02") in Pocono Township.

10. A 24-inch diameter PVC gravity sanitary sewer main crossing of Scot Run (HQ-CWF) (Latitude: 41° 03' 14"; Longitude: -75° 18' 55") in Pocono Township.

11. A 24-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 52"; Longitude: -75° 18' 39") in Pocono Township.

12. A 24-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 40"; Longitude: -75° 18' 33") in Pocono Township.

13. An 8-inch diameter concrete encased PVC sanitary sewer force main crossing of Pocono Creek (HQ-CWF) (Latitude: 41° 02' 40"; Longitude: -75° 18' 40") in Pocono Township.

13A. An 8-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 17"; Longitude: -75° 19' 03") in Pocono Township.

13B. An 8-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 17"; Longitude: -75° 19' 03") in Pocono Township.

14. A 24-inch diameter PVC concrete encased gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 18"; Longitude: -75° 18' 23") in Pocono Township.

15. A 12-inch diameter PVC concrete encased gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 24"; Longitude: -75° 18' 20") in Pocono Township.

16. A 24-inch diameter PVC concrete encased gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 13"; Longitude: -75° 18' 16") in Pocono Township.

17. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 13"; Longitude: -75° 18' 09") in Pocono Township.

17A. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 13"; Longitude: -75° 18' 10") in Pocono Township.

17B. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 13"; Longitude: -75° 18' 10") in Pocono Township.

17C. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 15"; Longitude: -75° 18' 11") in Pocono Township.

17D. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 16"; Longitude: -75° 18' 12") in Pocono Township.

17E. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 18"; Longitude: -75° 18' 15") in Pocono Township.

17F. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 21"; Longitude: -75° 18' 15") in Pocono Township.

17G. A 12-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 02' 21"; Longitude: -75° 18' 15") in Pocono Township.

18. A 24-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 01' 59"; Longitude: -75° 18' 07") in Pocono Township.

19. A 24-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Bulgers Run (HQ-CWF) (Latitude: 41° 01' 45"; Longitude: -75° 18' 02") in Pocono Township.

19A. Bank stabilization associated with the construction of a 24-inch diameter concrete encased PVC gravity sewer main being constructed adjacent to a UNT to Bulgers Run (HQ-CWF) (Latitude: 41° 01' 45"; Longitude: -75° 18' 02") in Pocono Township.

20. A 28-inch diameter PVC gravity sanitary sewer main crossing of Bulgers Run (HQ-CWF) by means of directional bore (Latitude: 41° 01' 38"; Longitude: -75° 17' 59") in Pocono Township.

21. A 24-inch diameter concrete encased PVC gravity sanitary sewer main crossing of Cranberry Creek (HQ-CWF) (Latitude: 41° 01' 25"; Longitude: -75° 17' 56") in Pocono Township.

22. A 24-inch diameter PVC gravity sanitary sewer main crossing of approximately 30 feet of EV, PFO wetlands with temporary wetland impacts of 0.02 acre (Latitude: 41° 01' 45"; Longitude: -75° 18' 02") in Pocono Township.

23. A 24-inch diameter PVC gravity sanitary sewer main crossing of UNT to Cranberry Creek (HQ-CWF) and approximately 25 feet of EV, PFO wetlands with temporary wetland impacts of 0.003 acre (Latitude: 41° 01' 17"; Longitude: -75° 17' 51") in Pocono Township.

24. A 24-inch diameter PVC gravity sanitary sewer main crossing of approximately 195 feet of EV, PFO wetlands with temporary wetland impacts (Latitude: 41° 01' 04"; Longitude: -75° 17' 45") in Pocono Township.

25. A 24-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 58"; Longitude: -75° 17' 14") in Pocono Township.

26. A 24-inch diameter concrete encased PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 58"; Longitude: -75° 17' 14") in Pocono Township.

27. A 24-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 53"; Longitude: -75° 17' 38") in Pocono Township.

28. One 12-inch diameter and one 16-inch diameter concrete encased PVC sanitary sewer force main crossing of Pocono Creek (HQ-CWF) (Latitude: 41° 00' 42"; Longitude: -75° 17' 27") in Pocono Township.

29. Three 16-inch diameter PVC sanitary sewer force main crossings of approximately 28 feet of EV, PFO wetlands with temporary wetland impacts of 0.02 acre and permanent wetland impacts of 0.005 acre (Latitude: 41° 00' 39"; Longitude: -75° 17' 32") in Pocono Township.

29A. Two outfall structures: (1) an 85-L.F., 60-inch diameter HDPE pipe and stormwater outfall structure with R-7 rip-rap and gabion baskets within the 100-year floodway of a UNT to Pocono Creek (HQ-CWF); and (2) the replacement of an existing 20-L.F. culvert with a 25-L.F., 15-inch diameter CMP pipe with R-7 rip-rap and gabion baskets within the 100-year floodway of a UNT to Pocono Creek (HQ-CWF). The two outfalls have temporary stream impacts of 0.02 acre, and permanent stream impacts of 0.005 acre within a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 39"; Longitude: -75° 17' 32") in Pocono Township.

29B. Three 16-inch diameter PVC sanitary sewer force main crossings of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 40"; Longitude: -75° 17' 31") in Pocono Township.

30. Three 16-inch diameter PVC sanitary sewer force main crossing of a UNT to Cranberry Creek (HQ-CWF) and approximately 8 feet of EV, PFO wetlands with temporary wetland impacts of 0.01 acre, and permanent wetland impacts of 0.01 acre (Latitude: 41° 00' 38"; Longitude: -75° 17' 38") in Pocono Township.

31. A 120-L.F., 15-inch diameter HDPE pipe and stormwater outfall structure with R-7 rip-rap and gabion baskets within the 100-year floodway of Pocono Creek (HQ-CWF) (Latitude: 41° 00' 43"; Longitude: -75° 17' 43") in Pocono Township.

32. One 8-inch diameter PVC gravity sanitary sewer main, one 8-inch diameter PVC sanitary sewer force main, and one 16-inch diameter PVC sanitary sewer force main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 40"; Longitude: -75° 17' 17") in Pocono Township.

33. One 8-inch diameter PVC gravity sanitary sewer main, one 8-inch diameter PVC sanitary sewer force main, and one 16-inch diameter PVC sanitary sewer force main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 31"; Longitude: -75° 17' 07") in Pocono Township.

34. An 8-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 37"; Longitude: -75° 17' 15") in Pocono Township.

35. One 6-inch diameter PVC sanitary sewer force main and one 16-inch diameter PVC sanitary sewer force main crossing of Pocono Creek (HQ-CWF) (Latitude: 41° 00' 19"; Longitude: -75° 16' 58") in Pocono Township.

36. A 2-inch diameter PVC gravity sanitary sewer main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 07"; Longitude: -75° 16' 33") in Hamilton Township.

37. One 8-inch diameter PVC gravity sanitary sewer main and one 16-inch diameter PVC sanitary sewer force main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 14"; Longitude: -75° 16' 35") in Hamilton Township.

37A. One 8-inch diameter PVC gravity sanitary sewer main, one 6-inch diameter PVC sanitary sewer force main, and one 16-inch diameter PVC sanitary sewer force main crossing of a UNT to Pocono Creek (HQ-CWF) (Latitude: 41° 00' 14"; Longitude: -75° 16' 35") in Pocono Township.

The project will temporarily impact 0.40 acre of wetlands, with a permanent wetland impact of 0.02 acre.

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

E03-447. Kiski Junction Railroad, Inc., 301 Market Street, Kittanning, PA 16201. All for the purpose of constructing a railroad spur on an existing railroad bed, all of the listings are located in UNTs of the Allegheny River (WWF) with the exception of number 6 which is located in Taylors Run (WWF), also a tributary to the Allegheny River. The project is located along the left bank of the Allegheny River in Gilpin and Bethel Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District (Project begins at Freeport, PA Quadrangle N: 11.1"; W: 5.1", Latitude: 40° 41' 10"; Longitude: 79° 39' 42". Project ends at Leechburg, PA Quadrangle N: 19.8"; W: 11.7", Latitude: 40° 44' 3.0"; Longitude: 79° 35' 4").

1. Rehabilitate, replace, or construct, and to operate and maintain approximately 96 railroad stream crossings with drainage areas of less than 100 acres;

2. operate and maintain an existing 81 feet long stone arch railroad stream crossing with a bottom width of 5 feet and a maximum under clearance of 4 feet;

3. operate and maintain an existing 60 feet long stone arch railroad stream crossing with a bottom width of 10 feet and a maximum under clearance of 6.5 feet;

4. operate and maintain an existing 75 feet long box culvert with a width of 10 feet and an under clearance of 7 feet;

5. operate and maintain an existing 70 feet long, 36 inches reinforced concrete culvert;

6. operate and maintain an existing 65 feet long stone arch railroad stream crossing with a bottom width of 14 feet and an under clearance of 7 feet; located on Taylors Run (WWF);

7. rehabilitate, operate and maintain an existing 37 feet long, 8 feet wide and 9 feet high concrete box culvert;

8. operate and maintain an existing 88 feet long 36 inches diameter reinforced concrete culvert;

9. operate and maintain a 41 feet dual 48 inches reinforced concrete culvert;

10. place and maintain fill in 0.228 acre of wetlands in the Allegheny River Watershed;

11. remove 16 existing stream crossings;

12. regrade approximately 145 feet of landslide area and place bank stabilization along the floodway on the left bank of the Allegheny River;

13. mitigate these impacts, the applicant proposes to construct 0.253 acre of replacement wetland.

E04-326. Beaver County Corporation for Economic Development (CED), 250 Insurance Street, Suite 300, Beaver, PA 15009. To construct a new amphitheater, playground and parking lot in Monaca Borough, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Beaver, PA Quadrangle N: 12.8 inches; W: 4.8 inches, Latitude: 40° 41' 44"; Longitude: 80° 17' 05") in Monaca Borough, **Beaver County**. To construct and maintain a playground and a new parking lot that will be located at the existing parking lot, to construct and maintain an amphitheater on the left bank of the Ohio River (WWF) and to construct and maintain a walking path and three picnic pavilions for the purpose of rehabilitating the existing Monaca Riverfront Park. The

project is located on the north side of Atlantic Avenue, just north from the intersection of Atlantic Avenue and Sixth Street.

E26-350. County of Fayette, Court House, 61 East Main Street, Uniontown, PA 15401. To construct and maintain a superstructure in Dunbar Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (South Connellsville, PA Quadrangle N: 18.09 inches; W: 16.42 inches, Latitude: 39° 58' 29"; Longitude: 79° 37' 02"). To construct and maintain approximately 2.8 miles bicycle-pedestrian trail within an abandoned railroad located in the floodplain of Dunbar Creek (TSF) and Gist Run (TSF). The project is known as Sheepskin Trail Segment II and is located in Dunbar Borough, North Union and Dunbar Townships, Fayette County. The project consists of the following:

1. To remove the central pier and to construct and maintain a superstructure on the existing abutments of the existing abandoned railroad bridge having a clear span of 65 feet and an underclearance of 8.8 feet across Dunbar Creek (South Connellsville, PA Quadrangle N: 18.0 inches; W: 16.3 inches, Latitude: 39° 58' 26"; Longitude: 79° 36' 58").

2. To construct and maintain a wood deck on the existing abandoned railroad bridge having a clear span of 19.75 feet and an underclearance of 5.45 feet across Gist Run (South Connellsville, PA Quadrangle N: 17.70 inches; W: 16.09 inches, Latitude: 39° 58' 19"; Longitude: 79° 36' 51").

E65-925. Allegheny Power, 800 Cabin Hill Road, Greensburg, PA 15601. To place and maintain fill in floodplain in Latrobe, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District. To place and maintain fill in the floodplain of Loyalhanna Creek, (WWF) and to place and maintain fill in 0.196 acre of wetland in the Loyalhanna Creek Watershed for the purpose of constructing improvements to the an electrical substation. The fill will indirectly impact an additional 0.394 acre of wetland. The project is located at the Loyalhanna Substation (Latrobe, PA Quadrangle N: 9.3 inches; W: 0.6 inch, Latitude: 40° 18' 4"; Longitude: 79° 22' 44.8"). As mitigation for these impacts, the applicant proposes to construct a nonjurisdictional dam that will add wetland hydrology to an area over 0.59 acre. The mitigation project is in Ligonier Township, Westmoreland County (Wilpen, PA Quadrangle N: 0.1 inch; W: 17.4 inches, Latitude: 40° 15' 0.5"; Longitude: 79° 14' 58.5").

E56-329 A. The Buncher Resort and Hospitality Group, LLC, Penn Liberty Plaza 1, Suite 300, 1300 Penn Avenue, Pittsburgh, PA 15222. To approve seasonal bridges over Kooser Run in Jefferson Township, **Somerset County**, United States Army Corps of Engineers, Pittsburgh District (Bakersville, PA Quadrangle N: 11.8 inches; W: 16.93 inches, Latitude: 40° 03' 54"; Longitude: 79° 14' 46"). To amend Permit E56-329 which seasonally approved between November 15 and March 15 of each year to construct and maintain timber bridges across Kooser Run (HQ-CWF) and an adjoining abandoned fish hatchery, to create a snow tubing trail over these watercourses. The project is located in Hidden Valley's Outback Park, located along SR 0031, approximately 0.25 miles past the main entrance to the Hidden Valley Resort (Bakersville, PA Quadrangle N: 11.8 inches; W: 16.93 inches, Latitude: 40° 03' 54"; Longitude: 79° 14' 46") in Jefferson Township, Somerset County. This permit amendment replaces the original permit to now authorize the replacement of an existing 48-inch diameter culvert with a new 48-inch culvert, 28 feet long in a UNT to

Kooser Run; to place and maintain 300 feet of seasonal wetland matting located over the stream channel on top of the existing fish hatchery concrete wall and to construct and maintain various outfalls to the same stream channel; to remove another culvert that collects another tributary stream that discharges to the same UNT to Kooser Run and to construct and maintain a new 15-inch diameter culvert 43 feet long within that same UNT; to place and maintain a stone filled trench within wetlands in various locations along Kooser Run to support a 200-foot long and 80-foot long seasonal wetland matting located over the stream channel, the rock trench will impact approximately 0.08 acre of wetlands; to operate and maintain the existing 42-inch diameter culvert 20 feet long within the same channel; to restore and maintain approximately 575 feet of the same channel; to construct and maintain various outfalls to the same channel. To compensate for the proposed 0.08 acre of wetland impacts and for 0.13 acre of previous wetland impacts, the applicant will construct and maintain two wetland mitigation areas, one will be 0.101 acre and the other will be 0.131 acre, for a total of 0.232 acre, both are located near the proposed impacts.

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

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

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

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 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.

09/18/09

ESCGP-1 No.: ESX09-129-0022

Applicant Name: BLX, Inc.

Contact Person: Stanley Berdell

Address: 223 North Park Drive

City: Kittanning State: PA Zip Code: 16002

County: Westmoreland Township(s): Loyalhanna

Receiving Stream(s) and Classifications: Loyalhanna Creek, WWF, Other

09/18/09

ESCGP-1 No.: ESX09-125-0039

Applicant Name: MarkWest Liberty Midstream and Resources

Contact Person: Robert McHale

Address: 100 Plaza Drive, Suite 102

City: Atlasburg State: PA Zip Code: 15004

County: Washington Township(s): Amwell

Receiving Stream(s) and Classifications: UNT to Little Tenmile Creek and UNT to Bane Creek, Other

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

ESCGP-1 No.: ESX09-081-0007

Applicant Name: Chief Oil and Gas, LLS

Contact Person: Michael Hritz

Address: 6051 Wallace Road, Suite 210

City, State, Zip: Wexford, PA 15090

County: Lycoming

Township(s): Mifflin

Receiving Stream(s) and Classification(s): First Fork Larrys Creek

ESCGP-1 No.: ESX09-117-0012
Applicant Name: Seneca Resources Corporation
Contact Person: Doug Kepler
Address: 51 Zents Boulevard
City, State, Zip: Brookville, PA 15825
County: Tioga
Township(s): Bloss Township
Receiving Stream(s) and Classification(s): UNT To Boone Run and UNT to Sand Run

ESCGP-1 No.: 59-09-803(01)
Applicant Name: Fortuna Energy
Contact Person: Eric Potter
Address: 337 Daniel Zenker Drive
City, State, Zip: Horseheads, NY 14845
County: Tioga
Township(s): Ward
Receiving Stream(s) and Classification(s): UNT to Fall Brook

ESCGP-1 No.: ESX09-015-0028
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): West Burlington Township
Receiving Stream(s) and Classification(s): Tributary to Sugar Creek

ESCGP-1 No.: ESX09-015-0035
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): Terry Township
Receiving Stream(s) and Classification(s): North Branch Sugar Run

ESCGP-1 No.: ESX09-015-0036
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): Monroe Township
Receiving Stream(s) and Classification(s): Tributary to South Branch Towanda Creek

ESCGP-1 No.: ESX09-015-0033
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): Burlington Township
Receiving Stream(s) and Classification(s): Wallace Run

ESCGP-1 No.: ESX09-013-0002
Applicant Name: Chief Oil and Gas, LLC
Contact Person: Michael Hritz
Address: 6051 Wallace Road, Suite 210
City, State, Zip: Wexford, PA 15090
County: Blair
Township(s): Juniata Township
Receiving Stream(s) and Classification(s): Bobs Creek

ESCGP-1 No.: ESX09-115-0006
Applicant Name: Chief Oil and Gas, LLC
Contact Person: Michael Hritz
Address: 6051 Wallace Road, Suite 210
City, State, Zip: Wexford, PA 15090
County: Susquehanna
Township(s): Lathrop Township
Receiving Stream(s) and Classification(s): Horton Creek

ESCGP-1 No.: 66-09-801
 Applicant Name: Chief Oil and Gas, LLC
 Contact Person: Michael Hritz
 Address: 6051 Wallace Road, Suite 210
 City, State, Zip: Wexford, PA 15090
 County: Wyoming
 Township(s): Nicholson Township
 Receiving Stream(s) and Classification(s): Field Brook

ESCGP-1 No.: 41-08-806-1
 Applicant Name: Chief Oil and Gas, LLC
 Contact Person: Michael Hritz
 Address: 6051 Wallace Road, Suite 210
 City, State, Zip: Wexford, PA 15090
 County: Lycoming
 Township(s): Penn Township
 Receiving Stream(s) and Classification(s): Sugar Run, Gregs Run

ESCGP-1 No.: ESX09-117-0009
 Applicant Name: Seneca Resources Corp.
 Contact Person: Doug Kepler
 Address: 51 Zents Boulevard
 City, State, Zip: Brookville, PA 15825
 County: Tioga
 Township(s): Covington Township
 Receiving Stream(s) and Classification(s): UNT to Elk Run

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

Washington County Conservation District: 100 West Beau Street, Suite 105, Washington, PA 15301-4447, (724) 228-6774.

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
63 09 8 012	Mark West Liberty Midstream and Resources, LLC 100 Plaza Drive Suite 102 Atlasburg, PA 15004	Washington	Mount Pleasant and Chartiers Townships	UNT to Plum Run WWF Plum Run WWF UNT to Chartiers Creek WWF UNT Millers Run WWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335.

ESCGP-1 No.: ESX09-047-0002
 Applicant Name: EOG Resources, Inc.
 Contact Person: Nathan Wells
 Address: 400 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Elk, McKean Township(s): Jones, Sergeant
 Receiving Stream(s) and Classification(s): Naval Hollow Watershed, HQ-CWF

ESCGP-1 No.: ESX09-053-0002
 Applicant Name: Pennsylvania General Energy
 Contact Person: Amber D. Oyler
 Address: 120 Market Street
 City: Warren State: PA Zip Code: 16365
 County: Forest Township(s): Howe
 Receiving Stream(s) and Classification(s); The Branch, HQ-CWF; Two UNT to The Branch, HQ-CWF

ESCGP-1 No.: ESX09-031-0001
 Applicant Name: EQT Production
 Contact Person: Todd Klaner
 Address: 225 North Shore Drive
 City: Pittsburgh State: PA Zip Code: 15212
 County: Clarion Township(s): Porter
 Receiving Stream(s) and Classification(s): Rock Run, CWF; UNT to Redbank Creek, CWF

ESCGP-1 No.: ESX09-031-0002
 Applicant Name: EQT Production
 Contact Person: Todd Klaner
 Address: 225 North Shore Drive
 City: Pittsburgh State: PA Zip Code: 15212
 County: Clarion Township(s): Elk
 Receiving Stream(s) and Classification(s): Judith Run, CWF; Deer Creek, CWF

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>
09-02-030	Sunoco Partners Marketing and Terminals, LP 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner	Allegheny	O'Hara Township	four ASTs storing biodiesel	135,360 gallons total

SPECIAL NOTICES

**DRINKING WATER STATE REVOLVING FUND
Special Notice**

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

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	White Haven Office 50 East Woodhaven Drive White Haven, PA 18661	Luzerne, Lackawanna and Monroe Counties

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the intended funding source for this project. Aqua Pennsylvania, Inc. proposes the 2009 NE Water Main Replacement Project (PEN-VEST No. 35096040901-CW) which includes waterline replacement work in their Tambur-Hex Acres, Elmbrook and Hamilton Water Systems. The Department of Environmental Protection's (Department) review of this water line replacement project and the information received for this project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the categorical exclusion.

[Pa.B. Doc. No. 09-1835. Filed for public inspection October 2, 2009, 9:00 a.m.]

Alternative Fuels Incentive Grant Program; Program Opportunity

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment, announces an opportunity to apply for grants under the Alternative Fuels Incentive Grant Program (Program) to improve this Commonwealth's air quality and reduce consumption of imported oil, through the use of homegrown alternative fuels that will help the State's economy and environment. The Department is seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner advanced alternative transportation within this Commonwealth.

Funding is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth to retrofit fleet vehicles to operate on alternative fuels, subsidize the cost of the purchase of an alternative fuel vehicle for a fleet or subsidize the cost to install fleet refueling equipment for alternative fuel vehicles. Funding is also available to support next phase advanced research, development and training related to alternative fuels and alternative fuel vehicles.

Funding is available for school districts, municipal authorities, political subdivisions and nonprofit entities to subsidize the incremental cost to purchase biofuel and provide refueling and storage equipment or related tank cleaning.

Funding is also available for qualified renewable fuel producers to receive reimbursement of up to 10¢ per gallon of renewable fuels produced in a calendar year up to 12,500,000 gallons.

Project costs cannot have been incurred before July 1, 2009.

The application package including guidance, instructions and application forms is available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. The application package is also available electronically on the Department's web site at www.depweb.state.pa.us (DEP Keywords "Alternative Fuels").

Applications must be postmarked or received by 4 p.m. on November 6, 2009. Faxes will not be accepted. Use staples only; no binding or cover pages.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1836. Filed for public inspection October 2, 2009, 9:00 a.m.]

Approval of Mercury Thermostat Collection and Recycling Programs

The Mercury-Free Thermostat Act (act) (35 P. S. §§ 6030.1—6030.7) requires each manufacturer of mercury thermostats that have been sold in this Commonwealth to, individually or collectively, establish and main-

tain a collection and recycling program for out-of-service mercury thermostats from wholesalers, contractors and retailers, service technicians and homeowners. Collection and recycling programs must be reviewed and approved by the Department of Environmental Protection (Department). This notice announces the approval of mercury thermostat collection and recycling plans which were submitted to the Department as required by the act.

On August 10, 2009, the Department approved the EWC Controls, Inc. of Englishtown, NJ (EWC Controls) Mercury Thermostat Collection and Recycling Program. EWC Controls is a manufacturing company of forced air zone controls. EWC Controls sold thermostats Nationwide under their brand name through wholesale operations during a period from 1989 to 2007. During that period EWC Controls estimates that they introduced 25,000 pieces countrywide to the marketplace. This collection and recycling program is for EWC Controls Brand name thermostats only. Individuals seeking to recycle EWC Controls Brand mercury thermostats can find more information by visiting the EWC Controls web site at <http://www.ewcccontrols.com/> by clicking on mercury recycling.

On September 8, 2009, the Department approved the Thermostat Recycling Corporation of Arlington, VA (TRC) Mercury-Switch Thermostat and Recycling Plan. TRC is a nonprofit organization that currently represents 25 manufacturers that have distributed over 60 brands of mercury thermostats. The TRC has supported a voluntary mercury thermostat collection and recycling program in Pennsylvania since 2000. This collection program is now mandatory. Individuals seeking to recycle mercury thermostats under the TRC recycling plan can find collection sites by visiting the TRC web site at <http://www.thermostat-recycle.org>.

Copies of the approved mercury thermostat collection and recycling plans can be found on the Department's web site at <http://depweb.state.pa.us> (DEP Keyword: Mercury).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1837. Filed for public inspection October 2, 2009, 9:00 a.m.]

Availability of Technical Guidance

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

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

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance

DEP ID: 383-2129-004. Title: Policy for Determining When Loss of Positive Pressure Situations in the Distribution System Require One-Hour Reporting to the Department and Issuing Tier 1 Public Notification. Description: The Pennsylvania Safe Drinking Water Regulations (Chapter 109) require public water suppliers to report to the Department within 1 hour when they experience a situation that causes a loss of positive water pressure in any portion of the distribution system where there is evidence of contamination or a water supplier suspects a high risk of contamination. Additionally, this situation may require water suppliers to issue a Tier 1 public notification. This guidance document provides uniform instructions and protocol for responding to loss of positive pressure situations in the distribution system to ensure the protection of public health. Notice of the draft technical guidance document, including a request for public comment was published at 39 Pa.B. 1061 (February 21, 2009). A 30-day comment period was provided, which concluded on March 23, 2009. Comments on the draft guidance document were received from 8 commentators. Based on the comments received, the Department revised the guidance to expand the examples of evidence of contamination and include wavier criteria to avoid bacteriological sampling. Contact: Questions regarding the final guidance document should be directed to Lisa Daniels at (717) 772-4046 or by e-mail at ldaniels@state.pa.us. Effective Date: October 3, 2009.

DEP ID: 383-2129-005. Title: Policy for Issuing and Removing Water Supply Warnings. Description: The Pennsylvania Safe Drinking Water Regulations (Chapter 109) require public water suppliers to issue public notifications that include water supply warnings during imminent threat situations (also known as Tier 1 violations or situations). This guidance document provides instructions for issuing and removing water supply warnings. This document includes the following topics: Tier 1 violations and situations, a drinking water standards and health advisory table, drinking water treatment chemicals and associated health effects, and types of water supply warnings. Notice of the draft technical guidance document, including a request for public comment was published at 39 Pa.B. 1061 (February 21, 2009). A 30-day comment period was provided, which concluded on March 23, 2009. Comments on the draft guidance document were received from 5 commentators. Based on the comments received several changes were made to the document including: deletion of the text regarding examples of loss of positive pressure situations, provided additional explanation for what water suppliers are required to do when a contaminant exceeds a health advisory level, and provided more information under the "Do Not Drink" and

“Do Not Use” notice section. Contact: Questions regarding the final guidance document should be directed to Deborah Rotz at (717) 772-2190 or by e-mail at drotz@state.pa.us. Effective Date: October 3, 2009.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1838. Filed for public inspection October 2, 2009, 9:00 a.m.]

Notice of Issuance of Processing and Conversion of Municipal Waste Into a Fuel Product; General Permit WMGR037

Under 25 Pa. Code §§ 271.811 and 287.611 (relating to authorization for general permit) of the residual and municipal waste regulations and the statutory authority of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) has issued a General Permit for the processing and conversion of municipal waste to produce a fuel product.

This General Permit authorizes permittees to process municipal waste to produce a fuel. Fuel manufactured under the authority of the permit is not considered a waste when marketed as a commodity in trade for use in an air contamination source approved through an Air Quality authorization issued by the Department under 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). General Permit WMGM037 will reduce the amount of waste disposed in landfills by providing a mechanism to divert waste suitable for use under this permit to a more productive, beneficial use.

Persons interested in obtaining more information or a paper copy of General Permit WMGM037 should contact the Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. The General Permit WMGM037 document is also accessible on the Department’s web site at www.depweb.state.pa.us (DEP Keywords: “Municipal Waste;” then choose “General Permits;” then choose “List of Municipal Waste Beneficial Use General Permits”).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1839. Filed for public inspection October 2, 2009, 9:00 a.m.]

Proposed Designation Recommendations for the Revised 2008 Lead National Ambient Air Quality Standards

Announcement of Public Meetings

Lead, a metal found naturally in the environment, is present in some manufactured products. Larger industrial sources of lead emissions currently include metals processing, particularly primary and secondary lead smelters. Lead that is emitted into the air can be inhaled or, after it settles out of the air, ingested. The main route of human exposure to lead originally released into the air is

through ingestion of lead that has settled on surfaces. Once in the body, lead is rapidly absorbed into the bloodstream, resulting in a broad range of health effects. Children are most vulnerable to the damaging effects of lead because their bodies are developing rapidly and they are more likely to ingest lead through hand-to-mouth activity.

On October 15, 2008, the United States Environmental Protection Agency (EPA) substantially strengthened the National Ambient Air Quality Standards (NAAQS) for lead; notice of the more protective revised lead NAAQS was published in the *Federal Register* on November 12, 2008 (73 FR 66,964). The EPA has revised the level of the primary (health-based) standard from 1.5 micrograms per cubic meter to 0.15 micrograms per cubic meter, measured as total suspended particles. The EPA has revised the secondary (welfare-based) standard to be identical, in all respects, to the primary standard, making them 10 times tighter than the 1978 lead standards of 1.5 micrograms per cubic meter.

The Governor of each state must now submit designation recommendations to the EPA in accordance with section 107(d) of the Federal Clean Air Act. Pennsylvania’s designation recommendations are based on air quality monitoring data for 2006-2008, emissions data, and other criteria, as recommended by the EPA. The EPA expects to make final designations by January 2012.

The Department of Environmental Protection (Department) is seeking public input on the following proposed designation recommendations for the 2008 lead NAAQS:

- North Reading nonattainment area comprised of Laureldale Borough, Muhlenberg and Alsace Townships.
- Lyons nonattainment area comprised of Lyons Borough, and Maxatawny and Richmond Townships.
- Lower Beaver Valley nonattainment area comprised of Industry and Shippingport Boroughs, and Potter Racoon and Vanport Townships.

The Department is proposing to recommend that the remainder of the Commonwealth be designated as attainment or unclassifiable. The proposed designation recommendations for the revised lead NAAQS are based on EPA criteria for designating areas including: lead emissions, air quality, population density, expected growth, geography, topography, meteorology, jurisdictional boundaries and the level of emissions control.

This proposal is available on the Department’s web site at <http://www.depweb.state.pa.us> or through the contact persons listed. The Department will hold public information meetings on October 21, 2009, at 1 p.m. at the following locations:

The Department of Environmental Protection’s Southwest Regional Office
Waterfront A
500 Waterfront Drive
Pittsburgh, PA

Berks County Courthouse and Services Center
633 Court Street
13th Floor
Reading, PA

For more information on the public meetings, contact Yvette House by calling (717) 787-9495 or e-mailing yhouse@state.pa.us. Persons with disabilities who wish to attend a meeting and require an auxiliary aid, service or

other accommodation to participate in the proceeding should also contact Yvette House. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments on the recommendations should be sent to Arleen Shulman, Chief, Air Resource Management Division, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468 or by e-mail (preferred) to ashulman@state.pa.us no later than 4 p.m. on October 23, 2009. Written comments, including e-mail submittals, must include the name, affiliation (if any), mailing address and telephone number of the interested person.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1840. Filed for public inspection October 2, 2009, 9:00 a.m.]

Small Business Compliance Advisory Committee; Meeting Cancellation Notice

The Small Business Compliance Advisory Committee meeting scheduled for Wednesday, October 28, 2009, has been cancelled. The next meeting is scheduled for Wednesday, January 27, 2010, in the 12th Floor conference room of the Rachel Carson State Office Building at 10 a.m. For information, contact Susan Foster at (717) 787-7019 or e-mail at sufoster@state.pa.us. The agenda and meeting materials for the January 27, 2010, meeting will be available through the Public Participation Center on the Department of Environmental Protection's web site at <http://depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Sharon Horne at (717) 787-9257 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1841. Filed for public inspection October 2, 2009, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board; Meeting Cancellation Notice

The October 15, 2009, meeting of the Small Water Systems Technical Assistance Center (TAC) Advisory Board is cancelled.

Questions concerning the next scheduled meeting of the Small Water Systems Technical Assistance Center (TAC) Advisory Board can be directed to Veronica Kasi at (717) 787-0122 or by e-mail to vbkasi@state.pa.us. The agenda and meeting materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (DEP Keyword: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department of Environmental Protection (Department) at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1842. Filed for public inspection October 2, 2009, 9:00 a.m.]

2010 Environmental Education Grants Program; Application Announcement

Applications for the 2010 Environmental Education Grants Program (Program) are now available from the Department of Environmental Protection (Department). The grants provide funding to schools, universities, county conservation districts, nonprofit organizations and associations and businesses to create or develop projects that support environmental education in this Commonwealth. Grants will provide environmental education on timely and critically important topics, including the following:

- * Sustainable energy sources and technologies including solar, wind, hydro, microhydro, biomass, geothermal, alternative transportation fuels and energy efficiency and conservation.

- * Air quality, with a focus on improvements in transportation and electric-generation to reduce ground-level ozone or smog.

- * Watersheds and wetlands, focusing on abating abandoned mine drainage, reducing nonpoint source pollution and enhancing water conservation in this Commonwealth.

- * Chesapeake Bay Watershed education with a focus on nutrient and sediment loads, point and nonpoint source pollution reduction.

- * Carbon capture and storage including geologic and or terrestrial sequestration.

The Program was established by the Environmental Education Act of 1993 (35 P.S. §§ 7521—7528), which mandates setting aside 5% of the pollution fines and penalties collected annually by the Department for environmental education in this Commonwealth. This announcement opens on October 5, 2009, and grant applications submitted to the Department must be postmarked by December 18, 2009, to be eligible for consideration.

Applications may be obtained by contacting the Department of Environmental Protection, Environmental Education Grants Program, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1828. Applications are also available electronically on the Department's web site at www.depweb.state.pa.us (DEP Keyword: EE Grants).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1843. Filed for public inspection October 2, 2009, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Notice of Adoption of High Performance Building Standards

The Department of General Services announces the adoption of the following High Performance Building Standards for use by the Commonwealth Financing Authority as established in SS Act 1 of 2008, also known as the Alternative Energy Investment Act. The standards have been developed in consultation with the Department of Environmental Protection, and may be found at www.gggc.state.pa.us or www.dgs.state.pa.us.

For further information, contact Maureen Guttman, AIA, Executive Director of the Governor's Green Government Council, P. O. Box 8772, Rachel Carson State Office Building, Harrisburg, PA 17105-8772, (717) 772-8946, or Elizabeth O'Reilly, Deputy Secretary for Public Works, Department of General Services, Room 100, Tent Building, Harrisburg, PA 17125, (717) 787-7095. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JAMES P. CREEDON,
Secretary

COMMONWEALTH OF PENNSYLVANIA - HIGH PERFORMANCE BUILDING STANDARDS
Department of General Services
Consensus Final 9.11.09

Residential New Construction

To qualify as a High Performance Building under this program, a residential new construction project must meet all of the following:

1. Must achieve at least Gold Certification under the USGBC LEED for Homes rating system, or at least Gold Certification under the National Green Building Standard, ICC 700-2008.
2. Evidence of meeting the LEED or the NGBS standard must be provided through independent third-party verification, which shall include blower door testing. Building Envelope Performance Criteria: 5 ACH50 (air changes per hour at 50 pascals). Envelope leakage shall be determined by a certified rater using a RESNET-approved testing protocol. Independent third-party verification will be conducted by an agency or entity having no direct affiliation or financial interest with the applicant, program or system being evaluated.
3. Under either rating system, must meet the criteria for each of the following standards:

A. Building Orientation for Solar Design
LEED ID 1.5 OR NGBS 704.3.1.1

LEED ID 1.5

Design the home such that all of the following requirements are met:

- (1) The glazing area on the north- and south-facing walls of the building is at least 50% greater than the sum of the glazing area on the east- and west-facing walls.
- (2) The east-west axis of the building is within 15 degrees of due east-west.
- (3) The roof has a minimum of 450 square feet of south-facing area that is oriented appropriately for solar applications.
- (4) At least 90% of the glazing on the south-facing wall is completely shaded (using shading, overhangs, etc.) at noon on June 21 and unshaded at noon on December 21.

OR NGBS 704.3.1.1

Building orientation, sizing of glazing, and design of overhangs are in accordance with all of the following:

- (1) The long side (or one side if of equal length) of the building faces within 20 degrees of true south.
- (2) Vertical glazing area is between 5 and 7 percent of the gross conditioned floor area on the south face.
- (3) Vertical glazing area is less than 2 percent of the gross conditioned floor area on the west face, and glazing is ENERGY STAR compliant or equivalent.
- (4) Vertical glazing area is less than 4 percent of the gross conditioned floor area on the east face, and glazing is ENERGY STAR compliant or equivalent.
- (5) Vertical glazing area is less than 8 percent of the gross conditioned floor area on the north face, and glazing is ENERGY STAR compliant or equivalent.

- (6) Skylights, where installed, are in accordance with the following:
 - (a) shades and insulated wells are used, and all glazing is ENERGY STAR compliant or equivalent
 - (b) horizontal skylights are less than 0.5 percent of finished ceiling area
 - (c) sloped skylights on slopes facing within 45 degrees of true south, east or west are less than 1.5 percent of finished ceiling area
- (7) Overhangs or adjustable canopies or awnings or trellises provide shading on south-facing glass for the appropriate climate zone in accordance with Table 704.3.1.1.
- (8) The south face windows have a SHGC of 0.40 or higher.
- (9) Return air or transfer grilles/ducts are in accordance with Section 704.4.5.

B. Site Selection

LEED LL 2 and LL 3.2 and/or LL 3.3 OR NGBS 503.8(1)

LEED LL 2

Do not develop buildings, built structures, roads or parking areas on portions of sites that meet any of the following criteria:

- (1) Land whose elevation is at or below the 100-year floodplain as defined by FEMA.
- (2) Land that is specifically identified as habitat for any species on federal or state threatened or endangered lists.
- (3) Land within 100 feet of any water, including wetlands as defined by U.S. Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22, and isolated wetlands or areas of special concern identified by state or local rule, or land within distances given in applicable state or local regulations, whichever is more stringent. New wetlands constructed as part of stormwater mitigation or other site restoration efforts are exempt from this part of the requirement.
- (4) Land that prior to acquisition for the project was public parkland, unless land or equal or greater value as parkland is accepted in trade by the public landowner (park authority projects are exempt).
- (5) Land that contains "prime soils", "unique soils", or "soils of state significance", as identified in state Natural Resources Conservation Service soil surveys. Verification of soil types should be conducted by the project civil engineer, wetlands, engineer, or biologist. If no project team member is qualified to verify this requirement, follow the steps laid out in the LEED for Homes Reference Guide. Sites that are previously developed are exempt from this requirement.

OR NGBS 503.8(1) (Lot Design)
Environmentally sensitive areas are avoided.

C. Erosion Control during Construction

LEED SS Prerequisite 1.1 OR NGBS 503.3 and 504.3

LEED SS Prerequisite 1.1

Prior to construction, design and plan appropriate erosion control measures. During construction, implement these measures. Erosion control measures must include all of the following:

- (1) Stockpile and protect disturbed topsoil from erosion (for reuse).
- (2) Control the path and velocity of runoff with silt fencing or comparable measures.
- (3) Protect on-site storm sewer inlets, streams, and lakes with straw bales, silt fencing, silt sacks, rock filters, or comparable measures.
- (4) Provide swales to divert surface water from hillsides.
- (5) If soils in a sloped area (i.e., 25%, or 4:1 slope) are disturbed during construction, use tiers, erosion blankets, compost blankets, filter socks and berms, or some comparable approach to keep soil stabilized.

OR NGBS 503.3 (Lot Design)

On-site soil disturbance and erosion are minimized by one or more of the following:

- (1) Construction activities are schedule to minimize length of time that soils are exposed.
- (2) Utilities are installed using one or more alternative means:
 - (a) tunneling instead of trenching
 - (b) use of smaller (low ground pressure) equipment or geomats to spread the weight of construction equipment
 - (c) shared utility trenches or easements
 - (d) placement of utilities under paved surfaces instead of yards
- (3) Limits of clearing and grading are demarcated on the plan.

and NGBS 504.3 (Lot Construction)

On-site soil disturbance and erosion are minimized by one or more of the following:

- (1) Limits of clearing and grading are staked out.
- (2) "No disturbance" zones are created using fencing or flagging to protect vegetation and sensitive areas from construction activity.
- (3) Sediment and erosion controls are installed and maintained in accordance with the storm water pollution prevention plan, where required.
- (4) Topsoil is stockpiled and stabilized for later use to establish landscape plantings.
- (5) Soil compaction from construction equipment is reduced by distributing the weight of the equipment over a larger area (laying lightweight geogrids, mulch, chipped wood, plywood, OSB, metal plates, or other materials capable of weight distribution in the pathway of the equipment).
- (6) Disturbed areas that are complete or to be left unworked for 21 days or more are stabilized within 14 days using methods as recommended by the EPA, or in the approved storm water pollution prevention plan, where required.
- (7) Soil is improved with organic amendments and mulch.
- (8) Utilities are installed using one or more alternative means (e.g., tunneling instead of trenching, use of smaller equipment, use of low ground pressure equipment, use of geomats, shared utility trenches or easements).

D. Minimize Disturbed Area of Site

LEED SS 1.2 OR NGBS 503.1

LEED SS 1.2

Where the site is not previously developed:

- (1) Develop a tree or plan preservation plan with "no-disturbance" zones clearly delineated on drawings and on the lot. Any "no-disturbance" zones must also be

protected from parked construction vehicles and building material storage. Soils compacted by vehicles or stored materials can cause major difficulties in establishing any new landscaping; and

- (2) Leave undisturbed at least 40% of the buildable lot area, not including area under roof. Only softscapes can be counted toward this credit; projects cannot receive credit for preserving preexisting hardscapes, such as driveways.

OR

Where the site is previously developed:

- (1) Develop a tree or plant preservation plan with "no-disturbance" zones clearly delineated on drawings and on the lot. Any "no-disturbance" zones must also be protected from parked construction vehicles and building material storage. Soils compacted by vehicles or stored materials can cause major difficulties in establishing any new landscaping; and
- (2) Rehabilitate the lot by undoing any previous soil compaction, removing existing invasive plants, and meeting the requirements of SS 2.2 Landscaping.

OR NGBS 503.1

Natural resources are conserved by one or more of the following:

- (1) A natural resources inventory is completed under the direction of a qualified professional.
- (2) A plan is implemented to conserve the elements identified by the resource inventory as high-priority resources.
- (3) Items listed for protection in the resource inventory plan are protected under the direction of a qualified professional.
- (4) Basic training in tree or other natural resource protection is provided for the on-site supervisor.
- (5) All tree pruning on-site is conducted by a Certified Arborist.
- (6) Ongoing maintenance of vegetation during construction is in accordance with TCIA A300.

E. Surface Water Management, Permeable Lot – 100%

LEED SS 4.1 OR NGBS 503.4 (1), (2) and (3)

LEED SS 4.1

Design the lot such that at least 100% of the built environment, not including area under roof, is permeable or designed to capture water runoff for infiltration on-site. Area that can be counted toward the minimum includes the following:

- (1) Vegetative landscape (e.g., grass, trees, shrubs).
- (2) Permeable paving, installed by an experienced professional. Permeable paving must include porous above-ground materials (e.g., open pavers, engineered products) and a 6-inch porous subbase, and the base layer must be designed to ensure proper drainage away from the home.
- (3) Impermeable surfaces that are designed to direct all runoff toward an appropriate permanent infiltration feature (e.g., vegetated swale, on-site rain garden, or rainwater cistern).

OR NGBS 503.4 (1), (2) and (3) (Lot Design)

- (1) Natural water and drainage features are preserved and used; and

- (2) A storm water management plan is developed and implemented that minimized concentrated flows and simulates flows found in natural hydrology (e.g., vegetative swales, French drains, wetlands, drywells, and rain gardens); and
- (3) All or a percentage of impervious surfaces are minimized and permeable materials are used for driveways, parking areas, walkways, and patios. (Greater than 75% of the site shall be permeable.)

**F. Water Reuse, Rainwater Harvesting System – 75%
LEED WE 1.1 OR NGBS 801.8**

LEED WE 1.1

Design and install a rainwater harvesting and storage system (including surface runoff and/or roof runoff) for landscape irrigation use or indoor water use. The storage system must be sized to hold all the water from a 1-inch rainfall event (equivalent to 0.62 gallons per square foot of roof area used for capture), taking into consideration the size of the harvest system (i.e., 75% of total roof area).

OR NGBS 801.8

Rainwater collection and distribution is provided.

- (1) Rainwater is collected and used.; and
- (2) Rainwater is distributed using a renewable energy source or gravity.

**G. Very High Efficiency Fixtures and Fittings
LEED WE 3.2 OR NGBS 801.4(2)(b), 801.5.1(2) and 801.6(2)**

LEED WE 3.2

Meet the following requirements by installing very high efficiency fixtures or fittings.

- (1) The average flow rate for all lavatory faucets must be ≤ 1.5 gpm OR lavatory faucets must meet the U.S. EPA WaterSense specification and be certified and labeled accordingly; and
- (2) The average flow rate for all showers must be ≤ 1.75 gpm per stall; and
- (3) The average flow rate for all toilets must be ≤ 1.1 gpf.

OR NGBS 801.4(2)(b)

All showerheads are in compliance with 1.6 to less than 2.0 gpm.

and NGBS 801.5.1(2)

Water-efficient lavatory faucets with 1.5 gpm or less maximum flow rate when tested at 60 psi in accordance with ASME A112.18.1 are installed for all lavatory faucets.

and NGBS 801.6(2)

A water closet is installed with an effective flush volume of 1.28 gallons or less when tested in accordance with ASME A112.19.2 (all water closets) and ASME A112.19.14 (all dual flush water closets), and is in accordance with EPA WaterSense *Tank-Type High-Efficiency Toilet*.

H. Exceptional Energy Performance – HERS 50 max.

LEED EA 1.2 OR NGBS 702.2(3)

LEED EA 1.2

Exceed the performance of ENERGY STAR for Homes (by achieving a 50 on the Home Energy Standards (HERS) Index).

OR NGBS 702.2(3)

Energy efficiency features are implemented to achieve energy cost performance that exceeds the 2006 ICC IECC by 50%. A documented analysis using software in accordance with ICC IECC, Section 404, or ICC IECC Section 506.2 through 506.5, applied as defined in the ICC IECC, is required.

I. Construction Waste Reduction**LEED MR 3.2 OR NGBS 603.3, 605.2 and 605.3**

LEED MR 3.2

Reduce or divert waste generated from new construction activities from landfills and incinerators to a level below the industry norm. Use either of two options:

- (1) Reduced construction waste. Generate 2.5 pounds (or 0.016 cubic yards) or less of net waste (not including waste diverted for reclamation or recycling) per square foot of conditioned floor area.
- (2) Increased waste diversion. Divert 25% or more of the total material taken off the construction site from landfills and incinerators.

Note: Land clearing and demolition waste (e.g., from removal of existing structures on the site) should not be counted in this calculation.

OR NGBS 603.3

Facilitation for sorting and reuse of scrap building material (e.g., provide a central storage area or dedicated bins).

and NGBS 605.2

On-site recycling measures following applicable regulations and codes are implemented, such as the following:

- (1) Materials are ground or otherwise safely applied on-site as soil amendment or fill. A minimum of 50 percent (by weight) of construction and land-clearing waste is diverted from landfill; or
- (2) Alternative compliance methods approved by the PA DEP.

and NGBS 605.3

Construction materials (e.g., wood, cardboard, metals, drywall, plastic, asphalt roofing shingles, or concrete) are recycled offsite.

J. ENERGY STAR with Indoor Air Package

Complete all the requirements of the U.S. Environmental Protection Agency's ENERGY STAR with Indoor Air Package (IAP).

K. Basic Operations Training

LEED AE Prerequisite 1.1 OR NGBS 1001.1 and 1002.1

LEED AE Prerequisite 1.1

Provide the home's occupant(s) with the following:

- (1) An operations and maintenance manual or binder that includes all the following items:
 - (a) The completed checklist of LEED for Homes features.
 - (b) A copy of each signed Accountability Form.
 - (c) A copy of the durability inspection checklist.
 - (d) The product manufacturer's manuals for all installed equipment, fixtures, and appliances.
 - (e) General information on efficient use of energy, water, and natural resources.
 - (f) Operations and maintenance guidance for any LEED for Homes-related equipment installed in the home, including:
 1. space heating and cooling equipment;
 2. mechanical ventilation equipment;
 3. humidity control equipment;
 4. radon protection system;
 5. renewable energy system; and
 6. irrigation, rain water harvesting, and/or graywater system.
 - (g) Guidance on occupant activities and choices, including the following:
 1. cleaning materials, methods, and supplies;
 2. water-efficient landscaping;
 3. impacts of chemical fertilizers and pesticides;
 4. irrigation;
 5. lighting selection; and
 6. appliance selection.
 - (h) Educational information on "green power".
- (2) A minimum one-hour walkthrough of the home with the occupant(s), featuring the following:
 - (a) Identification of all installed equipment.
 - (b) Instruction in how to use the measures and operate the equipment.
 - (c) Information on how to maintain the measures and equipment.

OR NGBS 1001.1

A building owner's manual is provided that includes the following, as available and applicable.

- (1) A green building program certificate or completion document.
- (2) List of green building features (can include the national green building checklist).
- (3) Product manufacturer's manuals or product data sheet for installed major equipment, fixtures, and appliances. If product data sheet is in the building owners' manual, manufacturer's manual may be attached to the appliance to the appliance in lieu of inclusion in the building owners' manual.
- (4) Information on available local utility programs that purchase a portion of energy from renewable energy providers.
- (5) Explanation of the benefits of using energy-efficient lighting systems (e.g., compact fluorescent bulbs, light emitting diode (LED)) in high-usage areas.

- (6) A list of practices to conserve water and energy.
- (7) A diagram showing the location of safety valves and controls for major building systems.
- (8) Maintenance checklist.
- (9) List of common hazardous materials often used around the building and instruction for proper handling and disposal of these materials.
- (10) Information on organic pest control, fertilizers, deicers, and cleaning products.
- (11) Information on native landscape materials and/or those that have low-water requirements.
- (12) A narrative detailing the importance of maintenance and operation in retaining the attributes of a green-built building.

and NGBS 1002.1

Building owners/occupants are familiarized with the green building goals and strategies implemented and the impacts of the occupants' practices on the costs of operating the building. Training is provided to the responsible party(ies) regarding all equipment operation and control systems. Systems include, but are not limited to the following:

- (1) HVAC filters
- (2) Thermostat operation and programming
- (3) Lighting controls
- (4) Appliances and settings
- (5) Water heater settings
- (6) Fan controls

Residential Major Renovation

To qualify as a High Performance Building under this program, a residential major renovation project must meet all of the following:

1. Must achieve at least Gold Certification under the USGBC LEED for Homes rating system, or at least Gold Certification under the National Green Building Standard, ICC 700-2008 (Green Building Path).
2. Evidence of meeting the LEED or the NGBS standard must be provided through independent third-party verification, which shall include blower door testing. Building Envelope Performance Criteria: 5ACH 50 (air changes per hour at 50 pascals). Envelope leakage shall be determined by a certified rater using a RESNET-approved testing protocol. Independent third-party verification will be conducted by an agency or entity having no direct affiliation or financial interest with the applicant, program or system being evaluated.
3. Under either rating system, must meet the criteria for each of the following standards:
 - A. **Minimize Disturbed Area of Site**
LEED SS 1.2 *OR* NGBS 503.1 - See above
 - B. **Surface Water Management, Runoff from Roof**
LEED SS 4.3 *OR* NGBS 503.4 (1), (2) and (3)

LEED SS 4.3
Design and install one or more of the following runoff control measures:
 - (1) Install permanent stormwater controls (e.g., vegetated swales, on-site rain garden, dry well, or rainwater cistern) designed to manage runoff from the home.
 - (2) Have the site designed by a licensed or certified landscape design or engineering professional such that all water runoff from the home is managed through an on-site design element.
 - OR NGBS 503.4 (1), (2) and (3) (Lot Design)
 - (1) Natural water and drainage features are preserved and used; and
 - (2) A storm water management plan is developed and implemented that minimized concentrated flows and simulates flows found in natural hydrology (e.g., vegetative swales, French drains, wetlands, drywells, and rain gardens); and
 - (3) All or a percentage of impervious surfaces are minimized and permeable materials are used for driveways, parking areas, walkways, and patios. (Greater than 75% of the site shall be permeable.)
 - C. **Water Reuse, Rainwater Harvesting System – 75%**
LEED WE 1.1 *OR* NGBS 801.8 - See above
 - D. **Very High Efficiency Fixtures and Fittings**
LEED WE 3.2 *OR* NGBS 801.4(2)(b), 801.5.1(2) and 801.6(2) - See above
 - E. **Exceptional Energy Performance – HERS 65 max.**

LEED EA 1.2 OR NGBS 702.2(3)**LEED EA 1.2**

Exceed the performance of ENERGY STAR for Homes (by achieving a 65 on the Home Energy Standards (HERS) Index).

OR NGBS 702.2(3)

Energy efficiency features are implemented to achieve energy cost performance that exceeds the 2006 ICC IECC by 35%. A documented analysis using software in accordance with ICC IECC, Section 404, or ICC IECC Section 506.2 through 506.5, applied as defined in the ICC IECC, is required.

F. Construction Waste Reduction

LEED MR 3.2 OR NGBS 603.3, 605.2 and 605.3 - See above

G. ENERGY STAR with Indoor Air Package

See above

H. Basic Operations Training

LEED AE Prerequisite 1.1 OR NGBS 1001.1 and 1002.1 - See above

Small Business New Construction

To qualify as a High Performance Building under this program, a small business new construction project must meet all of the following:

1. Must achieve at least Gold Certification under the USGBC LEED NC Version 3 rating system or at least three globes under the GBI Green Globes rating system for New Construction. If certification is sought under Green Globes instead of LEED, it is required that the applicable LEED criteria be met as identified below. The required LEED criteria should meet or exceed the corresponding Green Globes criteria as noted.

NOTE: References identified below as "GG X.X" refer to the Green Globes Design for New Buildings and Retrofits, Rating System and Program Summary, dated December 2004.

2. Evidence of meeting the LEED or the GG standard must be provided through independent third-party verification. Independent third-party verification will be conducted by an agency or entity having no direct affiliation or financial interest with the applicant, program or system being evaluated.
3. Under either rating system, must meet the criteria for each of the following standards:

**A. Construction Activity Pollution Prevention
LEED SS Prerequisite 1 (Meets or exceed GG B.2)**

LEED SS Prerequisite 1

Create and implement an erosion and sedimentation control plan for all construction activities associated with the project. The plan must conform to the erosion and sedimentation requirements of the 2003 EPA Construction General Permit OR local standards and codes, whichever is more stringent. The plan must describe the measures implemented to accomplish the following objectives:

- (1) To prevent loss of soil during construction by stormwater runoff and/or wind erosion, including protecting topsoil by stockpiling for reuse.
- (2) To prevent sedimentation of storm sewers or receiving streams.
- (3) To prevent pollution of the air with dust and particulate matter.

The EPA's construction general permit outlines the provisions necessary to comply with Phase I and Phase II of the National Pollutant Discharge Elimination System (NPDES) program. While the permit only applies to construction sites greater than 1 acre, the requirements are applied to all projects for the purposes of the prerequisite.

GG B.2

Provide a drainage, and erosion/sediment control plan that includes measures such as limiting grading, leaving steeper slopes undisturbed, avoiding soil compaction, and providing vegetative ground cover. Include measures for the construction stage.

B. Site Selection**LEED SS 1 (Meets or exceeds GG B.1)**

LEED SS 1

Do not develop buildings, hardscape, roads or parking areas on portions of sites that meet any of the following criteria:

- (1) Prime farmland as defined by the U.S. Department of Agriculture in the United States Code of Federal Regulations, Title 7, Volume 6, Parts 400 to 699, Section 657.5 (citation 7CFR657.5).
- (2) Previously undeveloped land whose elevation is lower than 5 feet above the elevation of the 100-year flood as defined by the Federal Emergency Management Agency (FEMA).
- (3) Land specifically identified as habitat for any species of federal or state threatened or endangered lists.
- (4) Land within 100 feet of any wetlands as defined by the U.S. Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22, and isolated wetlands or areas of special concern identified by state or local rule, OR within setback distances from wetlands prescribed in state or local regulations, as defined by local or state rule or law, whichever is more stringent.
- (5) Previously undeveloped land that is within 50 feet of a water body, defined as seas, lakes, rivers, streams and tributaries that support or could support fish, recreation or industrial use, consistent with the terminology of the Clean Water Act.
- (6) Land that prior to acquisition for the project was public parkland, unless land of equal or greater value as parkland is accepted in trade by the public landowner (park authority projects are exempt).

GG B.1

- (1) Demonstrate on the site plan, how any portion of the site identified as being a wetland or wildlife corridor, agricultural land, parkland, or an area notable for its scenic beauty, will be fully preserved. Carry out all required environmental assessments.
- (2) Select a site which meets one of the following criteria:
 - (a) An existing serviced site.
 - (b) Existing minimum development density of 60,000 sq. ft./acre.
 - (c) Remediate, previously contaminated site.
- (3) Minimize the disturbance of undeveloped areas of the site. Minimize the area of the site for the building, parking, and access roads, and locate new buildings on previously disturbed parts of the site. Preserve significant trees and natural slopes to maintain the existing direction of groundwater flow. Map all the existing site vegetation.

C. Stormwater Design: Quantity Control**LEED SS 6.1 (Edited) (Meets or exceeds GG B.3)**

LEED SS 6.1 (Edited)

CASE 1. Sites with Existing Imperviousness 50% or Less

Implement a stormwater management plan that prevents the post-development peak discharge rate and quantity from exceeding the predevelopment peak discharge rate and quantity for the 1- and 2-year 24-hour design storms.

CASE 2. Sites with Existing Imperviousness Greater Than 50%

Implement a stormwater management plan that results in a 25% decrease in the volume of stormwater runoff from the 2-year 24-hour design storm.

GG B.3

Provide a stormwater management plan to prevent damage to project elements, including vegetation, on both the project site and those adjacent to it. Include an engineering design of the site drainage pattern, including volume calculations and site management strategies. Aim for no increase in run-off. Or, if the site already consists of more than 50% impervious surface in its pre-development state, aim for a reduction of 25% in storm water run-off.

D. Stormwater Design: Quality Control
LEED SS 6.2 (Meets or exceeds GG B.3)

LEED SS 6.2

Implement a stormwater management plan that reduces impervious cover, promotes infiltration and captures and treats the stormwater runoff from 90% of the average annual rainfall using acceptable best management practices (BMPs). BMPs used to treat runoff must be capable of removing 80% of the average annual postdevelopment total suspended solids (TSS) load based on existing monitoring reports. BMPs are considered to meet these criteria if:

- (1) They are designed in accordance with standards and specification from a state or local program that has adopted these performance standards, OR
- (2) There exists infield performance monitoring data demonstrating compliance with the criteria. Data must conform to accepted protocol (e.g., Technology Acceptance Reciprocity Partnership [TARP], Washington State Department of Ecology) for BMP monitoring.

GG B.3

See above.

E. Reduce Water Consumption by 40%
LEED WE 3 (Meets or exceeds GG D.1)

LEED WE 3

Employ strategies that in aggregate use 40% less water than the water use baseline calculated for the building (not including irrigation). Calculate the baseline according to the table under WE Credit 3: Water Use Reduction in LEED 2009 for New Construction and Major Renovations.

GG D.1

Achieve one of the following water performance targets:

<i>Offices</i>	Less than 1.5 m ³ /m ² /year
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	Less than 1.0 m ³ /m ² /year
	Less than 0.5 m ³ /m ² /year
<i>MURBs</i>	Less than 300 m ³ /apartment/year
	Less than 150 m ³ /apartment/year
	Less than 50 m ³ /apartment/year

F. Innovative Wastewater Technologies
LEED WE 2 (Meets or exceeds GG D.2 and D.3)

LEED WE 2

OPTION 1 – Reduce potable water use for building sewage conveyance by 50% through the use of water-conserving fixtures (e.g., water closets, urinals) or nonpotable water (e.g., captured rainwater, recycled graywater, on-site or municipally treated wastewater). OR

OPTION 2 – Treat 50% of wastewater on-site to tertiary standards. Treated water must be infiltrated or used on-site.

GG D.2

- (1) Increase water-efficiency through the use of the following technologies:
 - (a) Low flush toilets (less than or equal to 6 liters)
 - (b) Water-saving fixtures on faucets (7.5 L/min) and showerheads (9.0 L/min)
 - (c) Urinals with proximity detectors or waterless urinals where applicable
 - (d) Other appliances such as water efficient (H-axis) washing machines + low water dishwashers (38 L) where applicable
- (2) Where applicable, install features to minimize the consumption of make-up water for wet-cooling towers.

GG D.3

- (1) Where feasible, integrate a graywater collection, storage and distribution system to collect, store, treat and redistribute laundry and bathing effluent for toilet flushing, irrigation, janitorial cleaning, cooling and car washing.
- (2) Where feasible, integrate a biological waste treatment system for the site and building such as peat moss drain fields, constructed wetlands, aerobic treatment systems, solar aquatic waste systems (or living machines), and composting or ecologically-based toilets.

G. Enhanced Commissioning
LEED EA Prereq. 1 and EA Credit 3 (Meets or exceeds GG A.3)

LEED EA Prerequisite 1

Implement, or have a contract in place to implement, the following additional commissioning process activities in addition to the requirements of EA Prerequisite 1: Fundamental Commissioning of Building Energy Systems and in accordance with the LEED Reference Guide for Green Building Design and Construction, 2009 Edition:

- (1) Prior to the start of the construction documents phase, designate an independent commissioning authority (CxA) to lead, review and oversee the completion of all commissioning process activities.

- (a) The CxA must have documented commissioning authority experience in at least 2 building projects.
 - (b) The individual serving as the CxA:
 - i. Must be independent of the work of design and construction.
 - ii. Must not be an employee of the design firm, though he or she may be contracted through them.
 - iii. Must not be an employee of, or contracted through, a contractor or construction manager holding construction contracts.
 - (c) The CxA must report results, findings and recommendations directly to the owner.
- (2) The CxA must conduct, at a minimum, 1 commissioning design review of the owner's project requirements, basis of design, and design documents prior to the mid-construction documents phase and back-check the review comments in the subsequent design submission.
 - (3) The CxA must review contractor submittals applicable to systems being commissioned for compliance with the owner's project requirements and basis of design. This review must be concurrent with the review of the architect or engineer of record and submitted to the design team and the owner.
 - (4) The CxA or other project team members must develop a systems manual that gives future operating staff the information needed to understand and optimally operate the commissioned systems.
 - (5) The CxA or other project team members must verify that the requirements for training operating personnel and building occupants have been completed.
 - (6) The CxA must be involved in reviewing the operation of the building with operations and maintenance (O&M) staff and occupants within 10 months after substantial completion. A plan for resolving outstanding commissioning-related issues must be included.

LEED EA 3

Implement, or have a contract in place to implement, the following additional commissioning process activities in addition to the requirements of EA Prerequisite 1: Fundamental Commissioning of Building Energy Systems and in accordance with the LEED Reference Guide for Green Building Design and Construction, 2009 Edition:

- (1) Prior to the start of the construction documents phase, designate an independent commissioning authority (CxA) to lead, review and oversee the completion of all commissioning process activities.
- (2) The CxA must have documented commissioning authority experience in at least 2 building projects.
- (3) The individual serving as the CxA:
 - (a) Must be independent of the work of design and construction.
 - (b) Must not be an employee of the design firm, though he or she may be contracted through them.
 - (c) Must not be an employee of, or contracted through, a contractor or construction manager holding construction contracts.
 - (d) May be a qualified employee or consultant of the owner.
- (4) The CxA must report results, findings and recommendations directly to the owner.
- (5) The CxA must conduct, at a minimum, 1 commissioning design review of the owner's project requirements basis of design, and design documents prior to the mid-construction documents phase and back-check the review comments in the subsequent design submission.

- (6) The CxA must review contractor submittals applicable to systems being commissioned for compliance with the owner's project requirements and basis of design. This review must be concurrent with the review of the architect or engineer of record and submitted to the design team and the owner.
- (7) The CxA or other project team members must develop a systems manual that gives future operating staff the information needed to understand and optimally operate the commissioned systems.
- (8) The CxA or other project team members must verify that the requirements for training operating personnel and building occupants have been completed.
- (9) The CxA must be involved in reviewing the operation of the building with operations and maintenance (O&M) staff and occupants within 10 months after substantial completion. A plan for resolving outstanding commissioning-related issues must be included.

GG A.3

- (1) Engage an independent Commissioning Authority.
- (2) Provide "Design Intent" and "Basis of Design" documentation.
- (3) Include commissioning requirements in the Construction Documentation.
- (4) Develop a Commissioning Plan.

H. Fundamental Refrigerant Management

LEED EA Prerequisite 3 (Meets or exceeds GG F.2)

LEED EA Prerequisite 3

Zero use of chlorofluorocarbon (CFC)-based refrigerants in new base building heating, ventilating, air conditioning and refrigeration (HVAC&R) systems. When reusing existing base building HVAC equipment, complete a comprehensive CFC phase-out conversion prior to project completion.

GG F.2

- (1) Select refrigeration systems that avoid the use of ozone-depleting substances (ODS) and potent industrial greenhouse gases (PIGGs).
- (2) Select refrigerants that have an ozone-depleting potential (ODP) equal to zero, or at a minimum, less than 0.05.
- (3) Ensure the air-conditioning system complies with the requirements of the Federal Halocarbon Regulations under CEPA and the Safety Code for Mechanical Refrigeration ASHRAE 15-1994.

I. Optimize Energy Performance – 40%

LEED EA 1 (Meets or exceeds GG C.1)

LEED EA 1

Demonstrate a 40% improvement in the proposed building performance rating compared with the baseline building performance rating. Calculate the baseline building performance rating according to the building performance rating method in

Appendix G of ANSI/ASHRAE/IESNA Standard 90.1-2007 (with errata but without addenda) using a computer simulation model for the whole building project.

GG C.1

Achieve a rating of 87% under the Energy Star Target Finder program.

J. Measurement & Verification

LEED EA 5 (Meets or exceeds GG requirement to use EPA ENERGY STAR Target Finder)

LEED EA 5

Develop and implement a measurement and verification (M&V) plan consistent with Option D: Calibrated Simulation (Savings Estimation Method 2) or Option B: Energy Conservation Measure Isolation, as specified in the International Performance Measurement & Verification Protocol (IPMVP) Volume III: Concepts and Options for Determining Energy Savings in New Construction, April 2003. The M&V period must cover at least 1 year of post-construction occupancy. Provide a process for corrective action if the results of the M&V plan indicate that energy savings are not being achieved.

K. Storage and Collection of Recyclables

LEED MR Prerequisite (Meets or exceeds GG E.7)

LEED MR Prerequisite 1

Provide an easily-accessible dedicated area or areas for the collection and storage of materials for recycling for the entire building. Materials must include, at a minimum: paper, corrugated cardboard, glass, plastics and metals.

GG E.7

Provide adequate handling and storage facilities for future occupants to recycle materials and compost organic waste.

L. Construction Waste Management: Divert 50% From Disposal

LEED MR 2.1 (Meets or exceeds GG E.6)

LEED MR 2.1

Recycle and/or salvage nonhazardous construction and demolition debris. Develop and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or comingled. Excavated soil and land-clearing debris do not contribute to this credit. Calculations can be done by weight or volume, but must be consistent throughout. The minimum percentage debris to be recycled or salvaged is 50%.

GG E.6

Develop and implement a construction, demolition and renovation waste management plan.

M. Minimum Indoor Air Quality Performance
LEED IEQ Prerequisite 1 (Meets or exceeds GG G.1)

LEED IEQ Prerequisite 1

Meet the minimum requirements of Sections 4 through 7 of ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality (with errata but without addenda).

AND

CASE 1 – Mechanically Ventilated Spaces

Mechanical ventilation systems must be designed using the ventilation rate procedure of the applicable local code, whichever is more stringent.

CASE 2 – Naturally Ventilated Spaces

Naturally ventilated buildings must comply with ASHRAE Standard 62.1-2007, Paragraph 5.1 (with errata but without addenda).

GG G.1

- (1) Avoid entraining pollutants into the ventilation air path by:
 - (a) Positioning air intakes and outlets at least 10 m apart, and inlets and not downwind of outlets.
 - (b) Locating inlets more than 20 m from major sources of pollution and at least the minimum recommended distances from lesser sources of pollution.
 - (c) Protecting air intakes openings.
 - (d) Specifying ventilation lining that will avoid the release of pollution and fibers into the ventilation air path.
- (2) Provide ventilation in accordance with ANSI/ASHRAE 62-2001
- (3) Verify that the ventilation system provides effective air exchange (that the outdoor air delivered to the space actually reaches the occupants)
- (4) Monitor indoor air quality either with CO₂ monitoring or electronic airflow monitoring
- (5) Provide a mechanical ventilation system that has the capability of flushing-out the building with 100% outside air at ambient temperatures above 0 ° C
- (6) Provide mechanical ventilation in enclosed parking areas
- (7) Specify personal controls over the ventilation rates, or, in naturally ventilated buildings, operable windows or trickle vents on windows
- (8) Specify a minimum filter efficiency of 65% arrestance, or 40% atmospheric dust-spot efficiency for air distributed to occupied spaces

N. Environmental Tobacco Smoke Control
LEED IEQ Prerequisite 2

LEED IEQ Prerequisite 2

Prohibit smoking in the building. Prohibit on-property smoking within 25 feet of entries, outdoor air intakes and operable windows. Provide signage to allow smoking in designated areas, prohibit smoking in designated areas or prohibit smoking on the entire property.

Small Business Major Renovation

To qualify as a High Performance Building under this program, a small business major renovation project must meet all of the following:

1. Must achieve at least Gold Certification under the USGBC LEED NC Version 3 rating system or at least three globes under the GBI Green Globes rating system for New Construction. If certification is sought under Green Globes instead of LEED, it is required that the applicable LEED criteria be met as identified below. The required LEED criteria should meet or exceed the corresponding Green Globes criteria as noted.

NOTE: References identified below as "GG X.X" refer to the Green Globes Design for New Buildings and Retrofits, Rating System and Program Summary, dated December 2004.

4. Evidence of meeting the LEED or the GG standard must be provided through independent third-party verification. Independent third-party verification will be conducted by an agency or entity having no direct affiliation or financial interest with the applicant, program or system being evaluated.
2. Under either rating system, must meet the criteria for each of the following standards:

A. Construction Activity Pollution Prevention

LEED SS Prerequisite 1 (Meets or exceed GG B.2) - See above

B. SS Credit 5.1 Site Development: Protect or Restore Habitat

LEED SS 5.1 (Meets or exceeds GG B.1)

LEED SS 5.1

Restore or protect a minimum of 50% of the site (excluding the building footprint) or 20% of the total site area (including building footprint), whichever is greater, with native or adapted vegetation.

GG B.1

- (1) Demonstrate on the site plan, how any portion of the site identified as being a wetland or wildlife corridor, agricultural land, parkland, or an area notable for its scenic beauty, will be fully preserved. Carry out all required environmental assessments.
- (2) Select a site which meets one of the following criteria:
 - (a) An existing serviced site.
 - (b) Existing minimum development density of 60,000 sq. ft./acre.
 - (c) Remediate, previously contaminated site.
- (3) Minimize the disturbance of undeveloped areas of the site. Minimize the area of the site for the building, parking, and access roads, and locate new buildings on previously disturbed parts of the site. Preserve significant trees and natural slopes to maintain the existing direction of groundwater flow. Map all the existing site vegetation.

- C. Stormwater Design: Quantity Control**
LEED SS 6.1 (Edited) (Meets or exceeds GG B.3) – See above

- D. Stormwater Design: Quality Control**
LEED SS 6.2 (Meets or exceeds GG B.3) – See above

- E. Reduce Water Consumption by 35%**
LEED WE 3 (Meets or exceeds GG D.1)

LEED WE 3

Employ strategies that in aggregate use 35% less water than the water use baseline calculated for the building (not including irrigation). Calculate the baseline according to the table under WE Credit 3: Water Use Reduction in LEED 2009 for New Construction and Major Renovations.

GG D.1

Achieve one of the following water performance targets:

<i>Offices</i>	Less than 1.5 m ³ /m ² /year
	Less than 1.0 m ³ /m ² /year
	Less than 0.5 m ³ /m ² /year
<i>MURBs</i>	Less than 300 m ³ /apartment/year
	Less than 150 m ³ /apartment/year
	Less than 50 m ³ /apartment/year

- F. Innovative Wastewater Technologies**
LEED WE 2 (Meets or exceeds GG D.2 and D.3) - See above

- G. Enhanced Commissioning**
LEED EA Prereq. 1 and EA Credit 3 (Meets or exceeds GG A.3) - See above

- H. Fundamental Refrigerant Management**
LEED EA Prerequisite 3 (Meets or exceeds GG F.2) - See above

- I. Optimize Energy Performance – 30%**
LEED EA 1 (Meets or exceeds GG C.1)

LEED EA 1

Demonstrate a 30% improvement in the proposed building performance rating compared with the baseline building performance rating. Calculate the baseline building performance rating according to the building performance rating method in Appendix G of ANSI/ASHRAE/IESNA Standard 90.1-2007 (with errata but without addenda) using a computer simulation model for the whole building project.

GG C.1

Achieve a rating of 84% under the Energy Star Target Finder program.

- J. Measurement & Verification**
LEED EA 5 (Meets or exceeds GG requirement to use EPA ENERGY STAR Target Finder)
– See above

- K. Storage and Collection of Recyclables**
LEED MR Prerequisite (Meets or exceeds GG E.7) - See above

- L. Construction Waste Management: Divert 50% From Disposal**
LEED MR 2.1 (Meets or exceeds GG E.6) - See above

- M. Minimum Indoor Air Quality Performance**
LEED IEQ Prerequisite 1 (Meets or exceeds GG G.1) - See above

- N. Environmental Tobacco Smoke Control**
LEED IEQ Prerequisite 2 - See above

[Pa.B. Doc. No. 09-1844. Filed for public inspection October 2, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); 2009-2010 Food List

2009-2010 WIC Food List

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2009-2010 WIC Food List which contains the required types of foods, and if applicable, names of the allowable brands of foods. Effective October 1, 2009, the 2009-2010 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium, lactose free, smoked or calcium fortified. Cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Kosher cheese must be specified on the WIC check to be purchased using a WIC check.

Not Allowed: Individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients, Organic Cheese, cheese packed in water.

Cow's Milk

Fluid (pasteurized; quart, half gallons or gallons). Any fat level allowed; acidophilus allowed. Lactose reduced or lactose free if specified on the WIC check. Evaporated (12 ounce cans) if specified on the WIC check. Dry (1 or 2 pound packages) if specified on the WIC check.

Not Allowed: Flavored milk, buttermilk, goat's milk, milk with added calcium, protein or plant sterols, organic milk, UHT milk, milk in glass bottles.

Soy Beverage

32 or 64 ounce containers:	Pacific Natural Foods—Ultra Soy (Plain or Vanilla flavored), 8th Continent Soymilk Original Flavor
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Not Allowed: Any other brand or type of soy beverage.

Tofu

12 to 16 ounce containers	Soy Boy—Organic Firm and Extra Firm House Premium Tofu—Extra Firm, Firm, Medium Firm, Soft
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Not Allowed: Any other brand or type of tofu.

Chicken Eggs

Regular large, medium or small raw shell brown or white chicken eggs in one dozen package.

Not Allowed: Specialty eggs such as, vegetarian fed, organic eggs, low cholesterol, fat modified, and the like.

Legumes (Beans)

Black beans, blackeye peas, garbanzo beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans, soybeans, split peas and lentils.

1 pound dry or 15.5 to 16 ounce canned any brand (canned kidney beans may contain sugar)

Not Allowed: Green beans, green peas, snap beans, orange beans, wax beans, organic Beans, pork-n-beans, beans with added seasonings, sugars, oils, sauces, meats

Fruits and Vegetables

Fruits Allowed:

Fresh, whole or cut without added sugars, Frozen without added sugars, Canned without added sugars, fats, oils or sodium (salt).

Vegetables Allowed:

Fresh, whole or cut without added sugars, fats or oils, Frozen, without added sugars, fats or oils, Canned without added sugars, fats or oils (whole kernel corn and green peas can contain sugar).

Sweet potatoes and yams

Organic fruits and vegetables can be purchased.

Not allowed:

- Party trays, fruit baskets, salad bar items

- *Ingredients other than fruit*—sugar, honey, high fructose corn syrup, heavy or light syrup, dextrose, sucrose, maple syrup, artificial sweeteners, fats, oils, or sodium (salt)

- *Ingredients other than vegetables*—sugar, honey, high fructose corn syrup, cheese sauce, noodles, rice, spices, fats or oils

- *Any type of white potatoes* (including Red Bliss and Yukon Gold)

- Jarred salsa, pasta sauce

- Fresh herbs and spices, edible blossoms

- Dried fruit, trail mix

- Fruit leathers, fruit snacks, fruit roll-ups

- Fruit and nut mixtures

- Fruit cocktails, cranberry sauce, pie filling

- Baked goods

Juice

Single Strength (48 ounce container, 100% pure juice):

Apple	Apple & Eve, Lucky Leaf, Musselman's, Seneca, Shurfine
Cranberry	Apple & Eve, Northland
100% Grape (purple or white)	Shurfine, White Rose
Juice Blends	Apple & Eve: Cranberry Apple and Cranberry Raspberry Northland: Cranberry Grape and Cranberry Raspberry

Single Strength (64 ounce container, 100% pure juice):

Apple	Acme, Apple & Eve, Flavorite, Foodlion, HyTop, IGA, Old Orchard, Safeway, Shurfine, Wegmans, Weis Quality, White Rose
Cranberry	Apple & Eve, Foodlion, Northland
Grape (purple, Red or white)	Acme, Flavorite, Foodlion, Giant, HyTop, IGA, Old Orchard, Safeway, Shurfine, Wegmans, Weis Quality, Welch's, White Rose

Orange	Any Brand, refrigerated cartons, calcium and vitamin D added allowed
Pinapple	Acme
Tomato	Acme, Campbell's (regular or low sodium), HyTop, Shurfine
Vegetable	Acme (regular or low sodium), Campbell's (regular or low sodium), HyTop
Juice Blends	Apple & Eve—all flavors, Juicy Juice—all flavors, Northland—all flavors, Old Orchard—100% juice flavors, no premium flavors, Sesame Street—all flavors

Frozen Concentrated (11.5 to 12 ounce container, 100% pure juice):

Apple	Flavorite, Foodlion, Great Value, Old Orchard, Rich Food, Seneca, Shop-N-Save, Shurfine, Sunrise Valley, Wegmans, Weis Quality
Apple Juice Blends	Old Orchard (all flavors with green pull tab top)
Orange	Any brand (including calcium and vitamin D added)
Pineapple	Dole, Foodlion
Pineapple Blends	Any Dole 100% juice
Grape	Seneca, Welch's (all flavors with yellow pull tab top)
White Grape Juice Blends	Welch's (all flavors with yellow pull tab top)

Shelf Stable Concentrated (11.5 to 12 ounce container, 100% pure juice):

Juicy Juice any flavor Welch's any flavor with yellow trim

Not Allowed: Juices with added sugar, alcohol or carbonation.

Cereal

Adult/Child Cereals: Minimum package size 12 ounces

<i>General Mills:</i>	Cheerios (regular, multigrain) Chex (wheat, corn, rice, multi bran) Kix (regular or honey only) Total (whole grain) Wheaties (regular flavor only)
<i>Kashi:</i>	Mighty Bites: Honey Crunch
<i>Kellogg Co.:</i>	All Bran Complete Wheat Flakes Corn Flakes, Frosted Mini Wheats (Bite Size, Big Bite or unfrosted), Crispix
<i>Malto Meal, bag or box:</i>	Honey & Oat Blenders (regular or almond), Crispy rice
<i>Maypo:</i>	Instant Maple Oatmeal
<i>Nabisco:</i>	Cream of Wheat: Instant original, 1 minute, 2 1/2 minutes, 10 minutes, Whole Grain
<i>Post:</i>	Banana Nut Crunch, Grape-Nuts, Grape-Nut Flakes, Bran Flakes Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters)

Quaker Co.: Original Instant Grits, Crunchy Corn Bran, Oat Bran Essentials, King Vitamin, Life (regular flavor), Oatmeal Squares (original & cinnamon)

Store Brand Cereal: Corn Flakes, Toasted Oats, Corn Squares-Biscuits, Rice Squares-Biscuits: (Acme, Flavorite, Food Club, Giant, Giant Eagle, Great Value, IGA, Our Family, Ralston, Richfood, Safeway, Shop-N-Save, Shop Rite, Shurfine, Value Time, Wegmans, Weis Quality)

Not Allowed: Individual serving boxes, Organic cereal, any other brand or type of cereal.

Peanut Butter

18 ounce container, labeled "Peanut Butter" only

Not Allowed: Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey, organic peanut butter.

Infant Formula

Contract Brand

Milk Based: Nestles Good Start Gentle Plus

Soy Based: Nestles Good Start Soy Plus

Other brands and types of formula must be specified on the WIC check.

Infant Foods

Infant Cereal: Gerber rice, oatmeal, barley, whole wheat or mixed grain in 8 or 16-ounce box.

Not Allowed: Organic varieties, variety pack, cereal with fruit, formula or yogurt or any other ingredients.

Infant Fruits and Vegetables: 4 ounce containers of 100% fruits or vegetables, brand listed on the WIC check.

Not Allowed: Desserts. organic varieties, mixed with sugar, cereal, rice, noodles, meats, yogurt or any other ingredients.

Infant Meats: 2.5 ounce containers of single ingredient meats (with or without gravy or broth), brand listed on the WIC check.

Not Allowed: Organic varieties, mixed with sugar, cereal, rice, noodles vegetables or any other ingredients.

Canned Fish

Chunk Light Tuna, Pink Salmon or Sardines in 3.75, 5 or 6 ounce cans only.

Not Allowed: Products packed in oil, albacore tuna, brisling sardines, red salmon, organic fish.

Whole Grains

16 ounce packages:

Whole Wheat or Whole Grain Bread and Rolls

Arnold Select—Wheat Sandwich Rolls Stone ground 100% Whole Wheat

Food Lion—100% Whole Wheat Bread

Pepperidge Farms—100% Whole Wheat

Jewish Rye Bread—Very Thin Soft 100% Whole Wheat Bread

Weight Watchers—Whole Wheat Bread

Soft Corn or Whole Wheat Tortillas

Chi Chi's—Whole Wheat Tortilla Fajita Style

Don Pancho—White Corn Tortillas Whole Wheat Tortillas

LaBurrta—Yellow Corn Tortillas

MexAmerica—Whole Wheat with Honey

Brown Rice—Our Family, Riceland, SafeWay, Shurfine, Uncle Bens, Wegmans

Oats—Mom's Best Natural Quick Oats, Mother's Rolled Oats

24 ounce packages:

Whole Wheat or Whole Grain Bread and Rolls

Arnold—100% Whole Wheat Bread 12 Grain Bread

Country Hearth—Hearty Whole Grains Bread

Gold Medal—100% Whole Grain Bread

Stroehmann—Soft 100% Whole Wheat Bread

Wegmans—Whole Grain Bread Whole Wheat Bread

Weis—100% Whole Grain Bread

O'Mega— Grains with Flax & Honey Bread

Brown Rice—River

Oats—Quaker Steel Cut Oats

Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with NESTLES to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Nestles Good Start Gentle Plus and Nestles Good Start Soy Plus. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2009.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1845. Filed for public inspection October 2, 2009, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program hereby publishes notice of the minimum inventory requirements. Effective October 1, 2009, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices:

Formula

Sixteen 13 ounce cans of Nestle Good Start Gentle Plus liquid concentrate.

Ten 12 ounce cans of Nestle Good Start Gentle Plus powdered.

Sixteen 13 ounce cans of Nestle Good Start Soy Plus liquid concentrate.

Nine 12.9 ounce cans of Nestle Good Start Soy Plus powdered.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for such formula.

Infant Foods

Two varieties of Gerber infant cereal in 8 ounce boxes, totaling at least 24 ounces.

Two varieties 100% fruit, any brand, with a total of 32 four ounce containers.

Two varieties 100% vegetable, any brand, with a total of 32 four ounce containers.

Two varieties 100% meat, any brand, with a total of 31 two and one half ounce containers.

Fruits and Vegetables

Two varieties of fruits and two varieties of vegetables, fresh, frozen or canned, totaling at least \$15 worth.

Whole Grains

Two WIC allowable varieties with a total of two 16 ounce packages.

Milk

Fluid Whole, Vitamin D Fortified: Eight one half gallons.

Fluid Skim, Low Fat or Reduced Fat: Eighteen one half gallons.

Eggs

Grade "A" Eggs: Three 1 dozen containers large or smaller raw shell eggs.

Cheese

Three WIC allowable types prepackaged in 8 or 16 ounce containers, totaling at least 4 pounds of cheese.

Juices

Two WIC allowable single strength varieties with a total of five 48 ounce containers.

Two WIC allowable single strength varieties with a total of two 64 ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of five 11.5 to 12 ounce containers.

Cereal

Adult, five WIC allowable varieties in 12 ounce or larger packages totaling at least 60 ounces.

Peanut Butter

Two 18 ounce containers labeled "peanut butter."

Dried Peas and Beans or Canned Beans

Two varieties WIC allowable: 1 pound each dried or 15.5 to 16 ounce canned with a total of four cans.

Canned Fish

At least 45 ounces in 3.75, 5 or 6 ounce cans, chunk light tuna, pink salmon or sardines not packed in oil.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope,

Braille) should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1846. Filed for public inspection October 2, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Pennsylvania Conservation Corps: Grants for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal, and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry (Department), Conservation and Natural Resources, Public Welfare, Corrections, Military and Veterans Affairs, Aging, Education, and Community and Economic Development
- The Pennsylvania Game, Fish and Boat, and Historical and Museum Commissions
- The Pennsylvania Emergency Management Agency
- Political subdivisions
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only)

The PCC program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on Pennsylvania's public lands. Funds available through the program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corps members and crew leaders are paid directly by the Department.

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofits through Friday, January 8, 2010. State agency applications will be accepted through Friday, February 5, 2010.

For more information, or to obtain a grant application packet, contact Pennsylvania Conservation Corps, 1304 Labor and Industry Building, 651 Boas Street, Room 1405, Harrisburg, PA 17121, (717) 783-6385, e-mail pcc@state.pa.us. Grant application materials are also available for download from the Department's web site, www.dli.state.pa.us (Keyword: pcc).

SANDI VITO,
Secretary

[Pa.B. Doc. No. 09-1847. Filed for public inspection October 2, 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, September 17, 2009, and announced the following:

Action Taken—Regulations Approved:

Department of Public Welfare #14-510: Payment for Burial and Cremation (amends 55 Pa. Code Chapter 1251, adds Chapter 283 and deletes Chapter 285)

Environmental Quality Board #7-431: Oil and Gas Wells (amends 25 Pa. Code Chapter 78)

Approval Order

Public Meeting held
September 17, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

Department of Public Welfare—Payment for Burial and Cremation; Regulation No. 14-510 (#2655)

On November 29, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapter 1251, adds Chapter 283 and deletes Chapter 285. The proposed regulation was published in the December 15, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 28, 2009.

The regulation increases the payment to funeral directors for funeral-related expenses from \$350 to \$750 for all eligible individuals receiving specific forms of public assistance. This increase codifies a Notice of Rule Change that was published by the Department in the *Pennsylvania Bulletin* on June 10, 2000. New provisions in the regulation also afford flexibility in the selection of related services.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 201(2) and 403(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
September 17, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

Environmental Quality Board—Oil and Gas Wells; Regulation No. 7-431 (#2742)

On February 4, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapter 78. The proposed regulation was published in the February 14, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 14, 2009.

This regulation establishes application fee schedules for permits to drill oil and gas wells along with related clarification language.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (58 P.S. § 601.201(d)) 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. 09-1848. Filed for public inspection October 2, 2009, 9:00 a.m.]

Notice of Comments Issued

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issues</i>
12-76	Department of Labor and Industry Propane and Liquefied Petroleum Gas 39 Pa.B. 4340 (July 25, 2009)	8/24/09	9/23/09

**Department of Labor and Industry
Regulation #12-76 (IRRC #2775)**

Propane and Liquefied Petroleum Gas

September 23, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the July

25, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

1. Section 13.1. Definitions.—Consistency with statute; Need; Clarity.

Cylinder

The broad reference in this definition to 49 CFR 171 includes many provisions that appear to be unrelated to the definition of “cylinder.” We recommend using a more specific reference to the Code of Federal Regulations.

Cylinder exchange cabinets

A commentator is uncertain whether this definition is limited to retail locations that exchange grill cylinders or whether it also applies to commercial and industrial cylinder exchange cages. As written, it appears this definition would apply to all. The Department should explain its intent for the application of this definition and make amendments as appropriate.

Distributor

The second sentence of this definition states, “The term includes a cylinder exchange cabinet or a dispensing station.” This sentence does not appear in the statutory definition. 35 P.S. § 1329.2. Also, by statute, a distributor is a person, not an inanimate object. The Department should explain how the second sentence of the definition is consistent with the statute and justify the need to include this sentence.

Industrial user

The second sentence of this definition states that a “consumer may be a residential or a commercial location.” Again, this second sentence is not found in the statutory definition. 35 P.S. § 1329.2. The Department should explain how the second sentence of the definition is consistent with the statute and justify the need to include it.

LPG facility

This term is defined in both the statute (35 P.S. § 1329.2) and the regulation. However, the term “facility” also appears in the regulation. For examples, see Sections 13.21(e) and 13.52(a)(1). The regulation should consistently use the defined term “LPG facility.”

2. Section 13.5. Registration and annual permits.—Economic impact; Reasonableness.

Online registration and forms

A commentator suggests that online registration would save resources and expedite registrations. We note that the Department’s website currently includes “Online Services” and “Downloadable Forms.” We have two questions. First, does the Department offer online registrations to comply with this section of the regulation? Second, Subsection (a) asks for registration “on a registration form provided by the Department.” Are these forms available on the Department’s website? If the answer is yes to either of these questions, the regulation should identify the online service or form number to be used. If the answer is no to either of these questions, the Department should explain why these forms or services are not available online.

3. Section 13.20. Application process and plan approval.—Feasibility; Economic impact; Reasonableness; Clarity.

Modifications

Subsection (a) requires entities to submit an application before installation or “modification.” It is not clear what degree of “modification” would require an application. For example, would the Department require an application if there was a minor repair or would the Department only require an application if the owner installed more capacity or changed the location of a tank? The regulation should specify the types of modifications that require an application.

Availability of U1-A reports for older tanks

A commentator stated that the “U1-A” reports, required by Paragraph (b)(5) and Subsection (g) are not available for older tanks. The Department should explain how all existing tanks can comply with the requirements in Paragraph (b)(5) and Subsection (g). If some tanks cannot comply, the Department should include an alternative compliance mechanism for these tanks and address the economic impact of the alternate compliance mechanism on the tank owners.

4. Section 13.24. Cylinder exchange cabinets.—Reasonableness; Need.

Sidewalks, concrete aprons and parking lots at retail establishments

Paragraph (2) states that the term “busy thoroughfares or sidewalks” includes “sidewalks, concrete aprons and parking lots at retail establishments.” A commentator does not believe it is appropriate to include “sidewalks, concrete aprons and parking lots at retail establishments.” The commentator asserts that this phrase is not needed at larger retail stores because the threat from traffic is significantly reduced in parking lots. The Department should explain the reasonableness of and need for this provision.

5. Miscellaneous Clarity.

- Under Section 13.6, the subsection designations of the deleted language are confusing because they do not follow the designations in existing regulation of Subsections (a) through (e).

- There is a difference between two definitions in Section 13.1 in the July 9, 2009 submittal of the proposed regulation and the version published in the July 25, 2009 *Pennsylvania Bulletin*. The following definitions should be reconciled in the final-form regulation submittal:

- The defined acronym for the National Propane Gas Association should be “NPGA,” not “NGPA.” Also, the word “propane” is incorrectly spelled in the *Pennsylvania Bulletin* version of this definition.

- In the definition of “tank,” the phrase “liquefied petroleum gas” would be deleted by the placement of the bracket in the *Pennsylvania Bulletin* version.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1849. Filed for public inspection October 2, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
35-31	Pennsylvania Commission on Crime and Delinquency, Office of Victims’ Services Crime Victims Compensation	09/18/09	10/22/09
7-424	Coal and Clay Mine Subsidence Insurance Board Mine Subsidence Fund	09/18/09	10/22/09
16A-4815	State Board of Funeral Directors Preneed Funeral Arrangements	9/21/09	10/22/09
6-312	State Board of Education Academic Standards and Assessment	9/21/09	10/22/09
16A-5512	State Board of Accountancy Biennial Renewal Fees	9/21/09	10/22/09
125-104	Pennsylvania Gaming Control Board Employee Revisions and Pennsylvania Race Horse Development Fund	9/23/09	11/5/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1850. Filed for public inspection October 2, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Jefferson Regional Medical Center; Prehearing

Appeal of Jefferson Regional Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-09-006

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before October 19, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 17, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 17, 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 November 13, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 30, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before November 13, 2009.

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

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1851. Filed for public inspection October 2, 2009, 9:00 a.m.]

Insurance Services, Inc.; Homeowner Loss Cost Revision; Rate Filing

On September 16, 2009, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for Homeowners insurance.

The advisory organization requests an overall 3.2% increase in loss costs effective March 1, 2010.

Unless formal administrative action is taken prior to November 15, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Pennsylvania Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, e-mail at xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1852. Filed for public inspection October 2, 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 hearings 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 hearings 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 hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Sheila Eboli; file no. 09-183-75645; Erie Insurance Exchange; Doc. No. P09-09-011; November 5, 2009, 11 a.m.

Appeal of Douglas J. and Mary E. Ehret; file no. 09-169-75746; Erie Insurance Exchange; Doc. No. P09-09-013; November 5, 2009, 9:30 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. 09-1853. Filed for public inspection October 2, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 October 19, 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2009-2131667. Style By The Mile, Inc. (44 Lincoln Street, Unit 2, Exeter, Luzerne County, PA 18643)—a corporation of the Commonwealth—in call or demand service, from points in the Townships of Dallas, Edwardsville, Exeter, Forty Fort, Pittston, Plymouth, West Pittston and Wilkes-Barre, all in Luzerne County, PA.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

A-2009-2131607. Joseph A. Moussa (166 Canal Street, Easton, Northampton County, PA 18042)—in call or demand in the City of Easton, Northampton County, which is to be a transfer of all rights authorized under the certificate issued at A-00107974 to Joseph A. Marzuoli, t/d/b/a Yellow Cab of Easton.

A-2009-2131615. Joseph A. Moussa (166 Canal Street, Easton, Northampton County, PA 18042)—in call or demand service, which is to be a transfer of all rights authorized under the certificate issued at A-00095142 to Easton Taxi, Inc., subject to the same rights and limitations.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1854. Filed for public inspection October 2, 2009, 9:00 a.m.]

Telecommunications

A-2009-2130865 and A-2009-2130900. Entelegent Solutions, Inc. Application of Entelegent Solutions, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territories of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Windstream Pennsylvania, LLC.

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 October 19, 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: Entelegent Solutions, Inc.

Through and By Counsel: Jim Price, 3800 Arco Corporate Drive, Suite 310, Charlotte, NC 28273, (704) 409-2409, fax (866) 399-9039

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1855. Filed for public inspection October 2, 2009, 9:00 a.m.]

Water Service

A-2009-2131379. Welles Water Works, Inc. Application of Welles Water Works, Inc. for approval to supply water service to the public in Wyalusing Township, Bradford 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 October 19, 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: Welles Water Works, Inc.

Through and By Counsel: Matthew Brann, 111 West Main Street, Troy, PA 16947

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1856. Filed for public inspection October 2, 2009, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. Michael A. Peluso; Doc. No. 1264-42-2007

On August 21, 2009, Michael A. Peluso, license number BM093415, of Erie, Erie County, was ordered to pay a civil penalty of \$500 because he violated a lawful order of the State Board of Barber Examiners (Board).

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the Board's final decision in this matter. It may be appealed to the

Commonwealth Court of Pennsylvania 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 appeal is the previously-named Board counsel.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 09-1857. Filed for public inspection October 2, 2009, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**In the Matter of the Citation Issued to Keisha
Linette Jones; Doc. No. 1545-45-2009**

On August 19, 2009, Keisha Linette Jones, license number CO230618L, of Reading, Berks County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication 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 Pennsylvania 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 appeal is the previously-named Board counsel.

JANET G. M. SANKO,
Chairperson

[Pa.B. Doc. No. 09-1858. Filed for public inspection October 2, 2009, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Jeffery L. Sensenig 23 Little Swatara Church Road Richland, PA 17087	Berks County Tulpehocken Township	245.79	Broilers	New	9/17/2009
Kevin Sellers 180 Horseshoe Road Lebanon, PA 17042	Lebanon County Cornwall Township	112	Dairy	New	9/16/2009
Amos L. Beiler 2719 West Valley Road Loganton, PA 17747	Clinton County Logan Township	80.7	Veal	Amended	9/10/2009
Stephen G. Miller 2712 Creek Hill Road Leola, PA 17540	Lancaster County Upper Leacock Township	37.45	Dairy	New	9/10/2009

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
J. Douglas Metzler 83 Douts Hill Road Pequea, PA 17565	Lancaster County Martic Township	243.57	Layers	New	9/10/2009

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1859. Filed for public inspection October 2, 2009, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of July 1, 2009, through August 31, 2009.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net, or mail inquiries to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified previously:

Approvals By Rule Issued:

1. Cabot Oil and Gas Corporation, Pad ID: BrooksW P1, ABR-20090701, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

2. Cabot Oil and Gas Corporation, Pad ID: HullR P1, ABR-20090702, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

3. Cabot Oil and Gas Corporation, Pad ID: Heitsman P1A, ABR-20090703, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

4. Cabot Oil and Gas Corporation, Pad ID: Teel P7, ABR-20090704, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

5. Cabot Oil and Gas Corporation, Pad ID: Gesford P2, ABR-20090705, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

6. Cabot Oil and Gas Corporation, Pad ID: LarueC P2, ABR-20090706, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

7. Cabot Oil and Gas Corporation, Pad ID: SmithR P2, ABR-20090707, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 6, 2009.

8. EnerVest Operating, LLC, Pad ID: Wood No. 1, ABR-20090708, Athens Township, Bradford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.

9. EnerVest Operating, LLC, Pad ID: Harris No. 1, ABR-20090709, Smithfield Township, Bradford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.

10. EnerVest Operating, LLC, Pad ID: Gerbino No. 1, ABR-20090710, Ridgebury Township, Bradford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.

11. EnerVest Operating, LLC, Pad ID: Warren No. 1, ABR-20090711, Ridgebury Township, Bradford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 6, 2009.

12. XTO Energy Incorporated, Pad ID: Marquardt, ABR-20090712, Troy Township, Lycoming County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.

13. XTO Energy Incorporated, Pad ID: Jenzano, ABR-20090713, Franklin Township, Lycoming County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.

14. XTO Energy Incorporated, Pad ID: Temple, ABR-20090714, Moreland Township, Lycoming County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.

15. XTO Energy Incorporated, Pad ID: Hazlak, ABR-20090715, Shrewsbury Township, Lycoming County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: July 7, 2009.

16. EXCO-North Coast Energy, Inc., Pad ID: Skyline Golf Course, ABR-20090716, Greenfield Township, Lackawanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 7, 2009.

17. Seneca Resources Corporation, Pad ID: J. Pino Pad G, ABR-20090717, Covington Township, Tioga County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 8, 2009.

18. Chief Oil and Gas, LLC, Pad ID: Zinck Unit No. 1 H, ABR-20090718, Watson Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: July 9, 2009.

19. EOG Resources, Inc., Pad ID: PHC 10V, ABR-20090719, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
20. EOG Resources, Inc., Pad ID: PHC 11V, ABR-20090720, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
21. EOG Resources, Inc., Pad ID: PHC 6H, ABR-20090721, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
22. EOG Resources, Inc., Pad ID: PHC 7H, ABR-20090722, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
23. EOG Resources, Inc., Pad ID: PHC 8H, ABR-20090723, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: July 9, 2009.
24. Cabot Oil and Gas Corporation, Pad ID: BrooksW P2, ABR-20090724, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 16, 2009.
25. Alta Operating Company, LLC, Pad ID: Carrar Pad Site, ABR-20090725, Liberty Township, Susquehanna County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: July 16, 2009.
26. Chesapeake Appalachia, LLC, Pad ID: Kent, ABR-20090726, Towanda Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 22, 2009.
27. East Resources, Inc., Pad ID: 212 1H, ABR-20090727, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
28. East Resources, Inc., Pad ID: 235 1H, ABR-20090728, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
29. East Resources, Inc., Pad ID: Courtney 129 1H-2H, ABR-20090729, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
30. East Resources, Inc., Pad ID: Courtney H 255-1H, ABR-20090730, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
31. East Resources, Inc., Pad ID: Neal 134D, ABR-20090731, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
32. East Resources, Inc., Pad ID: Kipferl 261-1H, ABR-20090732, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 23, 2009.
33. Cabot Oil and Gas Corporation, Pad ID: BrooksJ P1, ABR-20090733, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 27, 2009.
34. Pennsylvania General Energy Company, Pad ID: Tract 729 Well No. 2384, ABR-20090734, Cummings Township, Lycoming County, PA; Consumptive Use of up to 4.900 mgd; Approval Date: July 27, 2009.
35. Pennsylvania General Energy Company, Pad ID: State Forest Tract 293 Well Pad No. 1, ABR-20090735, Cummings Township, Lycoming County, PA; Consumptive Use of up to 4.900 mgd; Approval Date: July 27, 2009.
36. Cabot Oil and Gas Corporation, Pad ID: HunsingerA P1, ABR-20090736, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 28, 2009.
37. Cabot Oil and Gas Corporation, Pad ID: Elk Lake School District P1, ABR-20090737, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 28, 2009.
38. Cabot Oil and Gas Corporation, Pad ID: ChudleighW P1, ABR-20090738, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 28, 2009.
39. Chesapeake Appalachia, LLC, Pad ID: Hershberger, ABR-20090739, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 28, 2009.
40. Alta Operating Company, LLC, Pad ID: Five E's FLP Pad Site, ABR-20090801, Middletown Township, Susquehanna County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: August 6, 2009.
41. EQT Production Company, Pad ID: Hurd, ABR-20090802, Ferguson Township, Clearfield County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: August 10, 2009.
42. Victory Energy Corporation, Pad ID: Wilcox No. 1, ABR-20090803, Covington Township, Tioga County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: August 10, 2009.
43. Victory Energy Corporation, Pad ID: Brookfield No. 1, ABR-20090804, Brookfield Township, Tioga County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: August 10, 2009.
44. Cabot Oil and Gas Corporation, Pad ID: GrimsleyJ P1, ABR-20090805, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: August 13, 2009.
45. Chesapeake Appalachia, LLC, Pad ID: Eileen, ABR-20090806, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
46. Chesapeake Appalachia, LLC, Pad ID: Claudia, ABR-20090807, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
47. Chesapeake Appalachia, LLC, Pad ID: Skoronski, ABR-20090808, Northmoreland Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
48. Chesapeake Appalachia, LLC, Pad ID: Fitzsimmons, ABR-20090809, Albany Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2009.
49. Fortuna Energy, Inc., Pad ID: Klein R, ABR-20090810, Armenia Township, Bradford County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: August 13, 2009.
50. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad No. 2, ABR-20090811, Ward Township, Tioga County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: August 13, 2009.

51. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad No. 4, ABR-20090812, Ward Township, Tioga County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: August 13, 2009.

52. Chief Oil and Gas, LLC, Pad ID: Phelps Unit No. 1H, ABR-20090813, Lathrop Township, Susquehanna County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 17, 2009.

53. Seneca Resources Corporation, Pad ID: T. Wivell Pad Horizontal; ABR-20090814, Covington Township, Tioga County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: August 17, 2009.

54. Chief Oil and Gas, LLC, Pad ID: Bower Unit No. 1H Drilling Pad, ABR-20090815, Penn Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 18, 2009.

55. Chief Oil and Gas, LLC, Pad ID: Warburton Unit No. 1H Drilling Pad, ABR-20090816, Penn Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 18, 2009.

56. Anadarko E & P Company, LP, Pad ID: WW Litke No. 1H, ABR-20090817, Curtin Township, Centre County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 19, 2009.

57. Covalent Energy Corporation, Pad ID: Ross 1, ABR-20090818, Maryland Town, Otsego County, NY; Consumptive Use of up to 0.0790 mgd; Approval Date: August 24, 2009.

58. EXCO-North Coast Energy, Inc., Pad ID: Treval, LLC Unit, ABR-20090819, Greenfield Township, Lackawanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: August 24, 2009.

59. Anadarko E & P Company, LP, Pad ID: COP Tract 678 No. 1000H, ABR-20090820, Noyes Township, Clinton County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.

60. Anadarko E & P Company, LP, Pad ID: COP Tract 678 No. 1001H and No. 1002H, ABR-20090821, Noyes Township, Clinton County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.

61. Anadarko E & P Company, LP, Pad ID: Texas Gulf B No. 1H, ABR-20090822, Beech Creek Township, Clinton County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.

62. Anadarko E & P Company, LP, Pad ID: Texas Gulf B No. 2H and No. 3H, ABR-20090823, Beech Creek Township, Clinton County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2009.

63. East Resources, Inc., Pad ID: Sampson 147 1H-3H, ABR-20090824, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: August 27, 2009.

64. East Resources, Inc., Pad ID: Smith 253 1H, ABR-20090825, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: August 27, 2009.

65. Chief Oil and Gas, LLC, Pad ID: Polovitch Unit No. 1H, ABR-20090826, Nicholson Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: August 28, 2009.

66. Seneca Resources Corporation, Pad ID: DCNR 595 Pad D, ABR-20090827, Bloss Township, Tioga County, PA; Consumptive Use of up to 2.999 mgd; Approval Date: August 28, 2009.

67. Alta Operating Company, LLC, Pad ID: Markovitch Pad Site, ABR-20090828, Bridgewater Township, Susquehanna County, PA; Consumptive Use of up to 3.999 mgd; Approval Date: August 31, 2009.

68. East Resources, Inc., Pad ID: Wheeler 268 1H, ABR-20090829, Jackson Township, Tioga County, PA; Consumptive use of up to 4.000 mgd; Approval Date: August 31, 2009.

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THOMAS W. BEAUDUY,
Deputy Director

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