

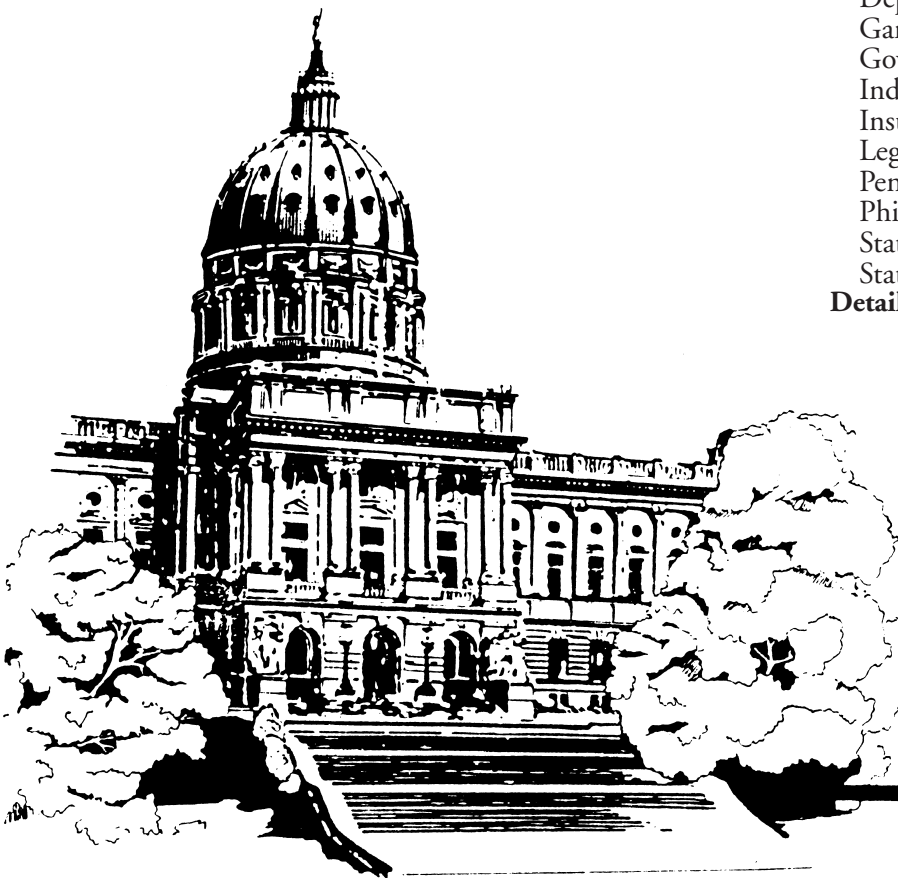
PENNSYLVANIA BULLETIN

Volume 39
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Agencies in this issue

The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of Public Welfare
Department of Transportation
Game Commission
Governor's Office of Health Care Reform
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Accountancy
State Board of Barber Examiners

Detailed list of contents appears inside.



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**No. 418A, effective retroactively
to September 26, 2009**

No. 420, November 2009

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CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT	
Notice of suspension	6655
JUDICIAL SYSTEM GENERAL PROVISIONS	
Amendments to rules of organization and procedure of the Disciplinary Board of the Supreme Court of Pennsylvania	6654
LOCAL COURT RULES	
Montgomery County	
Offender supervision fee; no. AD 302-09	6655

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING	
Notices	
Actions on applications	6663
Maximum lawful rate of interest for residential mortgages for the month of December 2009	6664
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	
Notices	
Conservation and Natural Resources Advisory Council meeting	6664
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Notices	
Applications, actions and special notices	6664
Nutrient and Sediment Reduction Credit Trading Program	6702
Pennsylvania's Energy Development Authority Board meeting	6703
Statewide Water Resources Committee; meeting location change	6703
DEPARTMENT OF PUBLIC WELFARE	
Notices	
List of Behavioral Health Managed Care Organiza- tions	6703
DEPARTMENT OF TRANSPORTATION	
Notices	
Bureau of aviation; availability of Local Real Estate Tax Reimbursement Grants for taxes paid in 2009	6704

GAME COMMISSION

Proposed Rulemaking	
Hunting and trapping	6659
Special permits	6660
Wildlife	6661

GOVERNOR'S OFFICE OF HEALTH CARE REFORM

Notices	
Pennsylvania's Health Information Exchange Pro- posed Strategic Plan	6705

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices	
Action taken by the Commission	6705
Notice of filing of final rulemaking	6709

INSURANCE DEPARTMENT

Notices	
Children's Health Insurance Program Advisory Council meeting	6710
Office closing; notice 2009-10	6710

LEGISLATIVE REFERENCE BOARD

Notices	
Documents filed but not published	6710

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices	
Service of notice of motor carrier applications	6710
Water service (2 documents)	6711, 6712

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices	
Prequalification for hydrographic engineering ser- vices	6712

STATE BOARD OF ACCOUNTANCY

Rules and Regulations	
Biennial renewal fees	6656

STATE BOARD OF BARBER EXAMINERS

Notices	
Bureau of Professional and Occupational Affairs v. Maria F. Lee-Driver; doc. no. 1699-42-09	6712

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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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GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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

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

4 Pa. Code (Administration)

Adopted Rules

6	406
191	2947
250	5292

Statements of Policy

1	4760
9 .. 427, 1008, 1212, 1970, 2116, 3327, 3471, 4903, 5164, 5923	

7 Pa. Code (Agriculture)

Adopted Rules

111	2573
113	2584
115	2577
130f	1859
143	308

Proposed Rules

28	5315, 5564, 5915
28a	5315, 5564, 5915
59	4677, 5131
59a	4677, 5131
128	5564

Statements of Policy

28	310
----------	-----

10 Pa. Code (Law)

Proposed Rules

44	2805, 2951, 5423
----------	------------------

Statements of Policy

48	3172
----------	------

12 Pa. Code (Commerce Trade and Local Government)

Proposed Rules

145	4423, 5915
-----------	------------

Statements of Policy

31	1306
----------	------

22 Pa. Code (Education)

Adopted Rules

14	17, 4750
711	4752

25 Pa. Code (Environmental Protection)

Adopted Rules

78	1982, 6232
85	5415
93	2523, 2949
109	2334, 2661, 5119, 5739
218	1201
260a	201
261a	201
262a	201
263a	201
264a	201
265a	201
266a	201
266b	201
267a	201

269a	201
270a	201
806	19, 5909
808	5909
1021	6035

Proposed Rules

78	838
93	3043
95	6467, 6547
109	5581, 5739
121	1636, 5318, 5423, 6049, 6061, 6068, 6460
123	6068
127	6049
129	1636, 5318, 5423, 6061, 6460
130	1636
139	6049
215	5423
252	3050
261a	6453
287	6429
290	6429
301	3591
302	3591, 5015
303	3591
305	3591
806	3467
808	3467
901	4892

Statements of Policy

16	2543, 2594
----------	------------

28 Pa. Code (Health and Safety)

Adopted Rules

1101	5292
1103	5292
1105	5292
1107	5292
1113	5292

31 Pa. Code (Insurance)

Adopted Rules

89	2086
139	996
146d	5554
147	5730, 5913

Proposed Rules

147	841
-----------	-----

34 Pa. Code (Labor and Industry)

Adopted Rules

111	6038, 6236
131	6038, 6236

Proposed Rules

13	4340, 5015
125	2331

37 Pa. Code (Law)

Adopted Rules

79	2780
221	5303

Proposed Rules
 411 2591

Statements of Policy
 96 1674
 96a 3067

40 Pa. Code (Liquor)
Adopted Rules
 13 682

49 Pa. Code (Professional and Vocational Standards)
Adopted Rules
 7 219
 11 6656
 13 (correction) 414, 523
 16 1625
 18 1625
 21 2103
 25 4754
 27 5309, 5312
 31 1985
 47 417

Proposed Rules
 5 1004
 11 2208
 13 2210
 31 5436, 5438
 33 5595, 5597, 5916
 36 5423
 37 2218
 39 1005
 40 5435
 41 2211
 43b 2205, 2206, 2345

51 Pa. Code (Public Officers)
Adopted Rules
 31 2204
 33 2204
 35 2204
 37 2204
 39 2204
 41 2204
 43 2204
 45 2204
 51 1939
 53 1939
 55 1939
 57 1939
 59 1939
 61 1939
 63 1939
 65 1939
 67 1939
 69 1939

Proposed Rules
 53 6049

52 Pa. Code (Public Utilities)
Adopted Rules
 21 6236
 54 2707

Proposed Rules
 56 925
 62 1657, 1870, 3461

Statements of Policy
 69 1676, 3471, 6341

55 Pa. Code (Public Welfare)
Adopted Rules
 283 6336
 285 6336
 1251 6336

Proposed Rules
 501 1114
 1187 4428
 1189 4428

Statements of Policy
 1223 1991
 2600 26, 2346
 3270 1011, 2347
 3280 1011, 2347
 3290 1011, 2347
 6000 3174
 6200 2714

58 Pa. Code (Recreation)
Adopted Rules
 29 523
 51 1860
 53 1860, 5736
 56 1860
 61 1201
 63 1860
 65 1860
 69 1859, 1860
 75 1202, 1860, 3442
 91 5736
 97 5736
 101 1860, 5736
 105 5736
 109 5736
 111 5736
 113 1860
 131 2791
 135 5119, 5120, 5121
 139 2792
 141 1110, 2798, 2800, 2801, 5122
 143 1388, 1990, 2802
 147 1205, 1388, 2802, 5122, 5123
 401 2113
 401a 235, 2588, 3446
 403a 3446, 5125
 405a 3446
 431a 2588
 435a 2588, 5125
 437a 2588, 4891, 5559
 439a 1868, 2113, 5562
 441a 3451, 5125
 443a 21
 451a 2588
 461a 4338, 4422, 5125, 5562
 463a 4338, 4422, 5562
 465a 1868, 2113, 2588, 5125, 5562
 491a 3446
 493a 3446
 494a 3446
 495a 3446
 497a 3446
 499a 3446, 5562
 511a 3446

Proposed Rules

53 1870
 61 3455
 73 3458
 91 1870
 97 1870
 101 1870
 105 1870
 109 1870
 111 1870, 5916
 131 1531
 135 2811, 2812, 2951
 137 6661
 139 1532, 5016
 141 1391, 1392, 1393, 1668, 2809, 5016, 5153, 6659
 143 1529, 5152
 147 1529, 2809, 2813, 5153, 5163, 6660
 401a 2113, 3459
 403a 418
 435a 418, 3459, 4894, 5018, 6073
 437a 1003, 4894
 439a 1662, 2113
 441a 418, 3459
 461a 418, 423, 1662, 5018, 6073
 463a 423, 1662, 5018
 465a 418, 1662, 2113, 5018, 5022, 6073
 467a 6073
 499a 1662
 501a 5018, 6073

Statements of Policy

461b 685

61 Pa. Code (Revenue)

Proposed Rules

53 1209
 151 1207
 153 1207

67 Pa. Code (Transportation)

Proposed Rules

171 5016
 229 997
 231 999
 233 4435
 427 4104

70 Pa. Code (Weights, Measures and Standards)

Proposed Rules

110 5921

101 Pa. Code (General Assembly)

Statements of Policy

1 5321

201 Pa. Code (Judicial Administration)

Adopted Rules

19 5722

Proposed Rules

40 1293
 50 1293

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 5542, 6543
 71 2433
 81 1980, 3431
 82 5412
 83 1846, 1980, 2193, 2318, 4737, 4887
 85 4725, 6654

87 2687
 89 4725
 91 2687, 4725
 93 2687, 4725
 211 5543

207 Pa. Code (Judicial Conduct)

Adopted Rules

5 4419, 5412, 5543
 51 675

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 508, 1094
 3 6324
 9 508, 1094
 11 508, 1094
 19 508, 1094
 21 508, 1094
 25 508, 1094
 37 508, 1094
 65 1615

Proposed Rules

9 2693
 15 2691
 17 2691

225 Pa. Code (Rules of Evidence)

Adopted Rules

ART. I 410

Proposed Rules

ART. VI 5722

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 304, 4738, 6426
 1000 676
 2950 304

Proposed Rules

200 4739
 1000 4740, 5412
 1900 6325
 3000 1849
 4000 4742

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 829, 1106, 2434, 2567
 4 8, 6327
 6 6331
 10 2568, 6327

Proposed Rules

1 5892
 4 983, 2318, 2435, 4332
 5 991, 5892
 6 2324
 7 983, 4332
 9 2694
 10 2435
 11 5892

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 4743, 5544, 6029
 2 676
 3 676, 4743, 6029
 5 4743

8	1614
11	1614, 5544
13	1614
16	4887, 5546
18	1614, 5546

Proposed Rules

1	6019
2	6019
3	3319
4	1850
5	6019
6	6019
8	3319
11	6019
12	6019
15	6019
16 (correction)	9, 1854, 1981, 6019

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

200	6426
-----------	------

Proposed Rules

100	1856
-----------	------

249 Pa. Code (Philadelphia Rules)

Unclassified	189, 192, 830, 1199, 2327, 2571, 2929, 5115, 6222
--------------	---

252 Pa. Code (Allegheny County Rules)

Unclassified	994
--------------------	-----

255 Pa. Code (Local Court Rules)

Unclassified ...	10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096, 4102, 4337, 4419, 4420, 4749, 4889, 5115, 5231, 5548, 5552, 5553, 5723, 5728, 5898, 5908, 6033, 6229, 6230, 6334, 6427, 6655
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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 85]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania

Order No. 70

In this Order, the Disciplinary Board (Board) of the Supreme Court of Pennsylvania is amending its Rules of Organization and Procedure to update the addresses of Chief Disciplinary Counsel, the Board's District III Office, and the Office of the Secretary. The Board is also taking this opportunity to update the other District Office addresses with the addition of the zip + 4 extensions for those locations.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.5. Location of Office of Disciplinary Counsel.

(a) *Chief Disciplinary Counsel*. The location of the headquarters of the Office of Disciplinary Counsel and the office of the Chief Disciplinary Counsel is:

Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of
Pennsylvania
[Suite 1400
200 North Third Street]
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2700
P. O. Box 62485
Harrisburg, PA [17101] 17106-2485
(717) 783-0990
(fax: (717[-]) 783-4963)

(b) *Disciplinary District Offices*. The present locations of the district offices of the Office of Disciplinary Counsel and the office of the Assistant Disciplinary Counsel for each such disciplinary district are:

(1) District I Office
Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of
Pennsylvania
16th Floor, Seven Penn Center
1635 Market Street
Philadelphia, [Pennsylvania] PA 19103-2202
(215) 560-6296
(fax: (215) 560-4528)

(2) District II Office
Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of
Pennsylvania
Suite 170
820 Adams Avenue
Trooper, PA 19403-2328
(610) 650-8210
(fax: (610[-]) 650-8213)

(3) District III Office
Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of
Pennsylvania
[Second Floor
Two Lemoyne Drive
Lemoyne, Pennsylvania 17043
(717) 731-7083
(fax: (717) 731-7094)]
100 Pine Street
Suite 400
Harrisburg, PA 17101-1228
(717) 772-8572
(fax: (717) 772-7463)

(4) District IV Office
Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of
Pennsylvania
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, [Pennsylvania] PA 15219-6002
(412) 565-3173
(fax: (412) 565-7620)

§ 85.6. Location of Office of the Secretary.

The location of the Office of the Secretary is:

Office of the Secretary
The Disciplinary Board of the Supreme Court of
Pennsylvania

[**First Floor**
Two Lemoyne Drive
Lemoyne, Pennsylvania 17043
(717) 731-7073
(fax: (717) 731-7080)]

Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5600
P. O. Box 62625
Harrisburg, PA 17106-2625
(717) 231-3380
(fax: (717) 231-3381)

[Pa.B. Doc. No. 09-2142. Filed for public inspection November 20, 2009, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MONTGOMERY COUNTY

Offender Supervision Fee; No. AD 302-09

Administrative Order

And Now, this 23rd day of October, 2009, pursuant to 18 P.S. § 11.1102, the Court hereby increases the Offender Supervision Fee from thirty-five (\$35) dollars per month to forty (\$40) dollars per month, assessed against all offenders placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment. Said increase is to be effective January 1, 2010, for those offenders sentenced on or after January 1, 2010. Offenders sentenced prior to the effective date of this increase and after January 1, 2009 will continue to be assessed a thirty-five (\$35) dollar per month Offender Supervision Fee. Offenders sentenced prior to January 1, 2009 will continue to be assessed a thirty (\$30) dollar per month Offender Supervision Fee.

The above fee is being charged in accordance with the Guidelines attached hereto.

By the Court

RICHARD J. HODGSON,
President Judge

Guidelines for the Collection of Offender Supervision Fees

1. All offenders placed on probation, parole, intermediate punishment, ARD or Section 17 Probation without verdict shall be assessed \$40 for every month on probation, parole or intermediate punishment (I.P.) as a condition to be paid on a monthly basis, unless otherwise ordered. The \$35 fee will be assessed against the offenders sentenced on or after January 1, 2010. Offenders sentenced between January 1, 2009, and January 1, 2010, will continue to be assessed a \$35 per month offender supervision fee, pursuant to the Court's prior directive. Those offenders sentenced prior to January 1, 2009, will continue to be assessed at \$30 per month.

2. At time of sentencing, current legal residence shall be established and made part of the sentence sheet and/or record.

3. The Clerk of Courts shall establish a supervision fee collection account for all Montgomery County residents pursuant to 18 P.S. § 11.1102.

4. Out-of-county/state residents will be required to submit fines, costs and/or restitution payments to the Clerk of Courts on a monthly basis. Supervision fees shall be collected by the county/state of supervision.

5. When an offender is transferred into Montgomery County from another jurisdiction for supervision purposes, or has been an out-of-county case and moves into the county, supervision fees shall be established from the date the case is accepted for supervision.

6. Any cases placed under the supervision of the Pennsylvania Board of Probation and Parole shall pay the supervision fee to the Board in accordance with the Act. Any fines, costs or restitution ordered shall be paid through the Clerk of Courts.

7. Where an offender has multiple cases, supervision fees shall be assessed on each offender only once. The fee shall be assessed on the case with the longest period of supervision or the case which extends furthest into the future.

8. Any offender who enters inpatient drug, alcohol, medical or psychiatric treatment shall have their fees deferred until their release.

9. Any offenders committed to prison for probation, parole or I.P. violation shall have their supervision fees accrue until such time as the Court revokes said probation or parole. Upon reparole, supervision fees shall be re-computed and collected by the appropriate department.

10. Petitions of Hardship (inability to pay) shall be considered by the Chief Adult Probation Officer or his designee upon the offender's submission of supporting documentation and compliance with 18 P.S. § 11.1102(e)(2). Any recommendation of fee reduction or waiver shall be submitted to the Court for approval.

11. Failure to pay supervision fees as a condition of probation and/or parole, intermediate punishment, ARD or Section 17 probation without verdict shall be considered a technical violation of the conditions of sentence/order and may result in the revocation of said sentence/order.

[Pa.B. Doc. No. 09-2143. Filed for public inspection November 20, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Terri Y. Lea having been suspended from the practice of law in the District of Columbia for a period of 30 days by Opinion and Order of the District of Columbia Court of Appeals decided April 23, 2009, the Supreme Court of Pennsylvania issued an Order dated November 5, 2009, suspending Terri Y. Lea from the practice of law in this Commonwealth for a period of 30 days, effective December 5, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-2144. Filed for public inspection November 20, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND OCCUPATIONAL AFFAIRS

STATE BOARD OF ACCOUNTANCY [49 PA. CODE CH. 11] Biennial Renewal Fees

The State Board of Accountancy (Board) amends § 11.4 (relating to fees) to read as set forth at 39 Pa.B. 2208 (May 2, 2009).

Description of Rulemaking

Effective with the biennial renewal period that begins January 1, 2010, the final-form rulemaking raises the biennial renewal fee for certified public accountants, public accountants and public accounting firms from \$45 to \$100 and the biennial renewal fee for continuing education program sponsors from \$120 to \$150. The final-form rulemaking also makes an editorial change by deleting a now-unnecessary reference to the date that the current biennial renewal fee for program sponsors took effect.

Background and Need for Rulemaking

Section 6 of the CPA Law (63 P. S. § 9.6) provides that the Board's biennial revenues from fees, fines and civil penalties shall meet or exceed the Board's biennial expenditures. Because fines and civil penalties have historically accounted for a small percentage of the Board's total revenues, the Board must generate most of its revenues from fees.

The Board's principal sources of fee revenues are the fees charged to certified public accountants, public accountants and public accounting firms for biennial renewal of their licenses and to continuing education program sponsors for biennial renewal of their approvals. The Board's biennial renewal fees currently account for approximately 84% of the Board's fee revenues during each biennial renewal period.

The biennial renewal fee for the approximately 23,128 active certified public accountants, public accountants and public accounting firms was last raised in June 1990, going from \$30 to \$45. The biennial renewal fee for the approximately 746 active continuing education program sponsors was established in January 2001 and was first assessed for the biennial renewal period that began January 1, 2004.

According to an analysis prepared by the Department of State's Bureau of Finance and Operations (BFO), the Board's current biennial renewal fee structure is inadequate to meet the Board's revenue needs. Based on projections made by BFO in January 2008, unless the biennial renewal fees are increased, the Board will face a growing, cumulative deficit that will measure \$579,063 as of June 30, 2010, \$1,577,063 as of June 30, 2011, and \$1,635,063 as of June 30, 2012.

Using fiscal information provided by BFO, the Board determined in 2008 that it would need to increase its biennial renewal fee for certified public accountants, public accountants and public accounting firms by approximately 125% to have sufficient biennial revenues to

offset its biennial expenditures over the next 9 years. The Board opted to raise the biennial renewal fee by 122%—from \$45 to \$100—effective with the biennial renewal period that begins January 1, 2010. The revenues from the higher biennial renewal fee should defer the need for a further fee increase until the biennial renewal period that begins January 1, 2018.

The Board also opted to raise the biennial renewal fee for continuing education program sponsors by 25%—from \$120 to \$150—effective with the biennial renewal period that begins January 1, 2010. When establishing program sponsor fees in 2001 as part of a restructuring of its regulatory scheme for approving program sponsors, the Board estimated that there would be approximately 1,150 active Board-approved program sponsors as of the start of the first biennial renewal period on January 1, 2004. The Board's estimate proved too optimistic; at present there are 35% fewer active Board-approved program sponsors than originally estimated. The 25% increase in the biennial renewal fee for program sponsors will recapture a portion of the revenues that had been projected when the fee was initially established.

According to BFO, the higher biennial renewal fees will raise biennial renewal revenues from the current \$1,130,280 to \$2,424,700. BFO estimates that these additional biennial revenues will enable the Board to maintain positive biennial revenue balances through the end of Fiscal Year 2015-2016, when the revenue balance is projected to be \$512,937.

Summary of Comments and Responses to Proposed Rulemaking

The Board published a notice of proposed rulemaking at 39 Pa.B. 2208, with a 30-day public comment period. The Board received comments from the Pennsylvania Institute of Certified Public Accountants (PICPA).

The Board received comments from the House Professional Licensure Committee (House Committee) and the Independent Regulatory Review Commission (IRRC) as part of their review of the proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). IRRC's comments asked the Board to consider the comments from the House Committee and the PICPA but did not identify any additional issues for the Board to consider. The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (Senate Committee) as part of its review of the proposed rulemaking under the Regulatory Review Act.

Noting the large percentage increases in the biennial renewal fees being promulgated by the Board, the House Committee asked the Board to explain why more than 18 years have elapsed since the Board last sought a biennial renewal fee increase for individual practitioners and firms.

Under section 6 of the CPA Law, the Board is required to increase fees if its expenses exceed its revenues on a biennial basis. Over the past 18 years, the Board's expenses have not exceeded its revenues over each fiscal biennium. During this period, the Board did not consider it necessary to increase biennial renewal fees solely for the purpose of creating a larger revenue cushion. In January 2007, BFO advised the Board that its biennial expenses would soon exceed its biennial revenues and recommended that the Board increase its biennial

renewal fees effective with the biennial renewal period beginning January 1, 2008. The Board attempted to promulgate the renewal fee increases for that renewal period but later discontinued the effort after it became apparent that proposed and final rulemaking could not be completed before January 1, 2008.

It is the Board's understanding that the Commissioner of the Bureau of Professional and Occupational Affairs (BPOA) and BFO are committed to a new fiscal approach, endorsed by the House Committee, of encouraging BPOA licensing boards to avoid potential biennial revenue deficits by adopting smaller biennial renewal fee increases at more frequent intervals rather than adopting larger biennial renewal fee increases at less frequent intervals. The Board anticipates that, as part of this approach, BFO will begin providing it with fiscal options that include a graduated schedule of biennial renewal fee increases.

The House Committee asked the Board to explain why it did not propose increases in other fee categories instead of relying solely on large increases in its biennial renewal fees. In addition to biennial renewal fees, the Board's schedule of fees in § 11.4 includes fees for initial certification and licensure of a certified public accountant (\$65); initial licensure of a public accounting firm (\$45); initial approval of a continuing education program sponsor (\$145); issuance of a temporary practice permit (\$25); reinstatement of an inactive or expired license (\$35); certification of examination scores (\$25); and verification of certification, registration or licensure status (\$15). All of these nonbiennial renewal fees were either revised or initially established in December 2000 and January 2001.

Nonbiennial renewal fees serve a different fiscal purpose than biennial renewal fees. Nonbiennial renewal fees are intended to cover the actual cost of providing particular services (that is, average number of minutes to perform service multiplied by pay rate of staff member performing service) plus a small share of administrative overhead. In contrast, biennial renewal fees are intended to defray, in addition to the minimal actual cost of processing biennial renewal applications, those general operating expenses of the Board that are not susceptible to being apportioned to individual users. BFO has not advised the Board that any of its nonbiennial renewal fees is currently inadequate to defray the cost of the service provided.

The PICPA asked the Board to provide more detail about the nature of the expenditures that justify the imposition of substantially higher biennial renewal fees and to identify the programs and Board functions to which the additional fee revenues will be applied. The PICPA also commented that the Board should have realized significant cost savings as a result of its recent transition to electronic biennial renewals and electronic newsletters. The House Committee asked the Board to provide information about the Board's "major cost centers" where significant increases in expenditures have occurred.

The biennial renewal fees defray the Board's generalized costs, which comprise the following categories: Board Administration (that is, time sheet-based staff expenses relating to the Board's administrative staff and direct Board expenses such as printing and mailing costs); BPOA Commissioner's Office (that is, time sheet-based staff expenses relating to staff in the Commissioner's Office and Revenue Office); Departmental Services (that is, time sheet-based charges for support of offices within the Department of State, including Offices of the Secretary of the Commonwealth and the Deputy Secretaries,

Office of Policy, Office of Chief Counsel, Office of Legislative Affairs, Office of Communications and Press, Office of Human Resources, Bureau of Management Information Services, and BFO); Legal Office (that is, time sheet-based staff expenses relating to Board counsel, Board prosecutors and legal support staff); Hearing Expense (that is, time sheet-based staff expenses relating to hearing examiners and support staff and direct charges for court reporting services); Legislative and Regulatory Analysis (that is, time sheet-based staff expenses relating to legal review of policy and regulatory matters); Enforcement and Investigation (that is, time sheet-based staff expenses for investigative, paralegal and support staff in the Bureau of Enforcement and Investigation and the Professional Compliance Office); and Board Member Expenses (that is, Board member per diem, travel expenses, conference fees and membership dues in National professional organizations). During the 1987-1989 fiscal biennium, the Board's generalized costs totaled \$689,871; during the 2005-2007 fiscal biennium, the Board's generalized costs had risen to \$1,712,367.

The cost centers for Board Administration, Enforcement and Investigation, and Legal Office account for over 80% of the Board's generalized costs. During the 1987-1989 fiscal biennium, which presaged the last increase in the biennial renewal fee for individual practitioners and firms, the Board's costs related to Board Administration, Enforcement and Investigation, and Legal Office were \$219,822, \$56,540 and \$100,149, respectively, during the 2005-2007 fiscal biennium, those costs were \$518,226, \$474,170 and \$439,342, respectively.

The greatly expanded scope of the Board's operations over the past 2 decades is reflected in areas such as the numbers of complaints processed and disciplinary sanctions imposed. During the 1987-1989 fiscal biennium, 145 complaint files were opened and 28 disciplinary sanctions were imposed. During the 2005-2007 fiscal biennium, 509 complaint files were opened and 141 disciplinary sanctions were imposed. Over an 8-year period ending June 30, 2008, a total of 2,719 complaint files were opened, 2,823 complaint files were closed, and 1,278 disciplinary sanctions were imposed.

The Board's recent transition to electronic biennial renewals and electronic newsletters is more of a benefit to licensees than a significant cost savings to the Board. The cost savings realized from no longer having to manually process most biennial renewal applications is offset in part by the charges the Department of State pays to credit card companies that allow biennial renewal fees to be paid online. As for the electronic newsletter, the annual savings in printing and mailing costs over a paper newsletter is expected to be approximately \$13,100, which currently represents only slightly more than 1% of the Board's annual expenditures.

The House Committee asked the Board to explain how it expects to maintain its projected revenue stream from the higher biennial renewal fees over the next several biennial renewal periods given the declining population of active public accountants.

The number of active public accountants has declined since 1985, when the Board's authority to credential new public accountants under the CPA Law (63 P. S. §§ 9.1—9.16b) was eliminated. The current number of active public accountants is approximately 264. As reflected in the chart as follows, owing to their small population, public accountants are expected to contribute only \$14,520, or 1.12%, of the \$1,294,420 in additional revenues that will be realized biennially from the higher

biennial renewal fees. Any lost fee revenues caused by the retirement of the remaining active public accountants in the coming biennial renewal periods will be offset by expected modest net increases in the ranks of active certified public accountants and public accounting firms.

Fiscal Impact

The final-form rulemaking will generate approximately \$1,294,420 in additional biennial renewal revenues, broken down as follows:

<i>Regulated Class</i>	<i>Number of Renewing Credential-holders</i>		<i>Fee Increase</i>	<i>Additional Revenues</i>
Certified Public Accountant	21,581	×	\$55	\$1,186,955
Public Accountant	264	×	\$55	\$14,520
Public Accounting Firm	1,283	×	\$55	\$70,565
Continuing Education Program Sponsor	746	×	\$30	22,380

Paperwork Requirements

The final-form rulemaking will require the Board to change its biennial renewal forms to reflect the new fees. The final-form rulemaking will not create additional paperwork for the regulated community.

Effective Date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The new biennial renewal fees will apply to those that renew their licenses or approvals for the biennial renewal period that begins January 1, 2010.

Statutory Authority

Section 6 of the CPA Law requires the Board to establish fees by regulation and to ensure that revenues derived from fees, fines and civil penalties are adequate to cover the Board's expenditures over a biennial period.

The Board considers the final-form rulemaking to be both required by law and the least restrictive means of covering the cost of activities that the Board is required to perform.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 2208, to IRRC and the the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board provided IRRC and the House and Senate Committees with copies of comments received during the public

comment period. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the House and Senate Committees, and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was approved by the House Committee on October 7, 2009, and deemed approved by the Senate Committee on October 21, 2009. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 22, 2009, and approved the final-form rulemaking.

Additional Information

Persons who desire additional information about the final-form rulemaking may submit inquiries to Sara L. Fox, Administrator, State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649. The Board's telephone number is (717) 783-1404 and its e-mail address is st-accountancy@state.pa.us.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated 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 as required by law and all comments were considered.

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the CPA Law.

Order

The Board, acting under authority of the CPA Law, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 11, are amended by amending § 11.4 to read as set forth at 39 Pa.B. 2208.

(b) The Board shall submit this order and 39 Pa.B. 2208 to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and 39 Pa.B. 2208 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 6524 (November 7, 2009).)

Fiscal Note: Fiscal Note 16A-5512 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-2145. Filed for public inspection November 20, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its October 6, 2009, meeting:

Amend § 141.22 (relating to small game) to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

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

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

The proposed rulemaking was made public at the October 6, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 15, 2010.

1. Purpose and Authority

In recent years, the Commission has been moving towards a comprehensive restructuring of the regulations attending the code. The goals of this restructuring effort are primarily focused on simplifying and making the language more understandable to its users. In January 2009, the Commission completed its efforts to rewrite the regulatory structures relating to the big game seasons. The Commission intends to carry the theme set forth in these changes to other chapters of the regulations to establish clear correlations between related seasonal information. To this end, the Commission is proposing to amend § 141.22 to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.22 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.22 to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

3. Persons Affected

Persons wishing to hunt small game within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-295. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) [*Unlawful acts. It is unlawful to:*

(1) **Take small game, protected mammals or protected birds using shot larger than #4 lead, #4 Bismuth/tin or #2 steel.**

(2) **Possess a firearm while hunting with a raptor.**

(3) **Use or possess single projectile ammunition or use or possess single projectile ammunition designed for use in a firearm while hunting small game during the muzzleloading firearms deer or bear season, except for a rimfire rifle or handgun .22 caliber or less. This exception does not apply to the Southeast Special Regulations Area. See § 141.1(b)(2) (relating to special regulations areas).**

(4) **Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary positions.**

(5) **Unless otherwise provided in the act or this title, hunt or take small game with anything other than a shotgun with fine shot, muzzleloading rifle or handgun .40 caliber or less, rifle or handgun less than .23 caliber, or bow and arrow with or without broadheads. The caliber restrictions do not apply to rifles or handguns while hunting woodchuck.**

(6) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(b) *Definition.* For the purpose of enforcing section 2308(a)(4) of the act (relating to unlawful devices and methods), the term “plugged” means a magazine shotgun which is plugged with a one-piece filler, incapable of removal without disassembling the shotgun or magazine.

(c) *Permitted acts.* Woodchucks may be trapped by properly licensed furtakers with permission of the person in charge of the land from February 1 through September 30 and during the general furbearer trapping season. For the purposes of this subsection, a person means a person as defined in section 2121(c) of the act (relating to definition). Traps and methods shall comply with section 2361 of the act (relating to unlawful acts concerning taking of furbearers) except that traps shall be set within 5 feet of any woodchuck hole or den.]

Permitted devices. It is lawful to hunt small game, except woodchucks with the following devices:

(1) A manually operated rimfire rifle or handgun. The firearm must be .23 caliber or less, that projects single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire or muzzleloading shotgun. The firearm must be 10 gauge or less, that projects multiple-projectile shotgun ammunition #4 lead, #4 Bismuth/tin or #2 steel or less.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that projects single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor must be lawfully possessed under a falconry permit. See §§ 147.101—147.112a (relating to falconry).

(b) *Prohibitions.* It is unlawful to:

(1) Use or possess single-projectile centerfire ammunition, single-projectile rimfire ammunition larger than .23 caliber or multiple-projectile shotgun ammunition larger than #4 lead, #4 Bismuth/tin or #2 steel, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device not provided for in the act or in this section.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchucks (Groundhogs).*

(1) *Permitted devices.* It is lawful to hunt woodchucks with the following devices:

(i) A manually operated centerfire or rimfire rifle or handgun.

(ii) A manually operated, centerfire or muzzle-loading shotgun.

(iii) A muzzleloading rifle or handgun.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(2) *Prohibitions.* While hunting woodchucks, it is unlawful to use or possess a device or ammunition not provided for in this section.

[Pa.B. Doc. No. 09-2146. Filed for public inspection November 20, 2009, 9:00 a.m.]

[58 PA. CODE CH. 147] Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its October 6, 2009, meeting:

Amend §§ 147.902 and 147.904 (relating to definitions; and permit) to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on State game lands (SGLs).

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

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

The proposed rulemaking was made public at the October 6, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 15, 2010.

1. *Purpose and Authority*

In July 2009, the Commission added Subchapter Y to Chapter 147 to relocate, consolidate and more clearly define the permitting process for persons interested in guiding other hunters or trappers for certain designated species. The Commission has recently been approached by a number of houndsmen who have formally requested the expansion of this newly created subchapter to authorize commercial coyote guiding activities on SGLs. To this end, the Commission is proposing to amend §§ 147.902 and 147.904 to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on SGLs.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.902 and 147.904 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 147.902 and 147.904 to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on SGLs.

3. *Persons Affected*

Persons wishing to engage in commercial coyote guiding activities on SGLs will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-296. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter Y. GUIDING PERMIT

§ 147.902. Definitions.

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

Commercial guiding activity—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

* * * * *

Guiding activity—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize the assistance taking the form of any overt act directly connected with harvesting wildlife by discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

§ 147.904. Permit.

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any **commercial or noncommercial guiding [activities] activity** for the following designated species of wildlife: elk and bobcat. **A guiding permit is required for any person to engage in any commercial guiding activity for coyotes on State game lands.**

* * * * *

[Pa.B. Doc. No. 09-2147. Filed for public inspection November 20, 2009, 9:00 a.m.]

[58 PA. CODE CH. 137]

Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its October 6, 2009, meeting:

Amend § 137.1 (relating to importation, possession, sale and release of certain wildlife) to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

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

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

The proposed rulemaking was made public at the October 6, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 15, 2010.

1. *Purpose and Authority*

Currently, § 137.1 prohibits the importation of certain species of exotic and native wildlife determined to be dangerous or injurious to the public, native wildlife or native wildlife habitat, such as nutria, bears and primates. This prohibition applies to all persons including those currently possessing exotic wildlife dealer, exotic wildlife possession and menagerie permits. The Commission has recently been approached by a number of menagerie permit holders who have alleged that these importation restrictions unnecessarily restrict their ability to import and possess certain “popular” wildlife and thus limit their ability to gain a livelihood. These menagerie permit holders have formally requested relief from these importation and possession restrictions. To this end, the Commission is proposing to amend § 137.1 to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 137.1 were proposed pursuant to this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 137.1 to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

3. *Persons Affected*

Persons wishing to import or possess otherwise prohibited wildlife into this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-294. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 137. WILDLIFE

§ 137.1. Importation, possession, sale and release of certain wildlife.

* * * * *

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, shall first obtain an importation permit from the Commission subject to the following:

* * * * *

(4) Menagerie permittees who also possess a USDA Class C Exhibitor permit and who operate a menagerie facility as their primary means of making a livelihood, are exempt from the possession prohibition of this section, and may import lawfully acquired wildlife pursuant to an importation permit.

* * * * *

[Pa.B. Doc. No. 09-2148. Filed for public inspection November 20, 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 November 10, 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

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-5-2009	Northwest Savings Bank Warren Warren County	Approved
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.		

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-6-2009	Landmark Community Bank Pittston Luzerne County	383 South Poplar Street Hazleton Luzerne County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-30-2009	Merchants Bank of Bangor Bangor Northampton County	101 Held Drive Northampton Northampton County	Closed
10-30-2009	Reliance Savings Bank Altoona Blair County	904 Blair Street Hollidaysburg Blair County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-2149. Filed for public inspection November 20, 2009, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2009

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.78 to which was added 2.50 percentage points for a total of 6.28 that by law is rounded off to the nearest quarter at 6 1/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-2150. Filed for public inspection November 20, 2009, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, December 2, 2009, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

C. ALLEN SACHSE,
Chairperson

[Pa.B. Doc. No. 09-2151. Filed for public inspection November 20, 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 a NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021636 (Sew)	Borough of Fleetwood 110 West Arch Street Suite 104 Fleetwood, PA 19522-1321	Berks County Richmond Borough	Willow Creek 3-B	Y
PA0083909 (Sew)	Conestoga Wood Specialities Corporation 245 Reading Road East Earl, PA 17519-0158	Lancaster County East Earl Township	Conestoga River 7-J	Y
PA0021237 (Sew)	Newport Borough Municipal Authority 231 Market Street Newport, PA 17074-1590	Perry County Newport Borough	Juniata River 12-B	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>
PA0111716	Wonderview Sanitary Facilities, Inc. 88 Dutch Hill Road Bloomsburg, PA 17815	Columbia County Main Township	North Branch Susquehanna River (5D)	Yes
PA0028606 (Sewage)	Delaware Township Municipal Authority P. O. Box 80 Dewart, PA 17730	Delaware Township Northumberland County	West Branch Susquehanna River (10D)	Yes
PA0208914 (Sewage) Non-Public	Great Dane Limited Partnership 70 Strick Road Danville, PA 17821	Montour County Limestone Township	UNT to County Line Branch (SWP 10D)	Yes

<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>
PA0111368	Salladasburg Elementary School 175 A & P Drive Jersey Shore, PA 17740-9268	Mifflin Township Lycoming County	Larrys Creek (10A)	Yes
PA0113301 (Sewage)	Municipal Authority of the Borough of Mansfield 19 East Wellsboro Street Mansfield, PA 16933	Richmond Township Tioga County	Lambs Creek CWF	Yes
PA0228796 (Sewage)	Matthew M. Barr 1957 Halfmoon Valley Road Port Matilda, PA 16870	Halfmoon Township Centre County	Halfmoon Creek HQ-CWF (11-A)	Yes
PA0113719 (Sewage)	Perry Township Municipal 9351 State Route 35 Mt. Pleasant Mills, PA 17853	Perry Township Snyder County	North Branch Mahantango Creek (6C)	Yes
PA0115291 (Sewage)	Village Center Snydertown STP 42 South Market Street Snydertown, PA 17877-9999	Snydertown Borough Northumberland County	Shamokin Creek (6B)	Yes
PA0024104	Spring Township Municipal Authority WWTP P. O. Box 133 Beaver Springs, PA 17812	Snyder County Spring Township	Beaver Creek (6A)	Yes

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.

PA0050059, Sewage, SIC 4952, **English Village Service Company, Inc.**, 8080 Old York Road, Suite 215, Elkins Park, PA 19027. This facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from English Village STP. The treatment plant serves the English Village apartment complex.

The receiving stream, Park Creek, is in the State Water Plan watershed 2F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA, SE Division is located on Neshaminy Creek and is approximately 29 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅					
(05-01 to 10-31)	10		10		20
(11-01 to 04-30)	20		20		40
Total Suspended Solids	30		30		60
NH ₃ -N					
(05-01 to 10-31)	1.0		1.0		2.0
(11-01 to 04-30)	3.0		3.0		6.0
Fecal Coliform (col/100 ml)			200		1,000*
pH (Std. Units)			6.0, I-min.		9.0
Dissolved Oxygen			5.0, I-min.		
Total Residual Chlorine			0.1		0.3
(NO ₂ +NO ₃)-N:					
(07-01 to 10-31)	10		10		20
(11-01 to 06-30)	Monitor		Monitor		Monitor
Phosphorus					
(04-01 to 10-31)					
(Issuance thru Year 1)	2.0		2.0		4.0
(Year 2 thru Expiration)	1.5		1.5		3.0
(11-01 to 03-31)					
(Issuance thru Year 1)	Monitor		Monitor		Monitor
(Year 2 thru Expiration)	2.0		2.0		4.0
Total Kjeldahl Nitrogen	Monitor		Monitor		Monitor

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

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

1. Notification Of Designation of Responsible Operator
2. Abandon STP When Public Sewers Become Available
3. Remedial Measures If Public Nuisance
4. No Stormwater to Public Sewers
5. Necessary Property Rights
6. Change in Ownership
7. Chlorine Minimization
8. Proper Sludge Disposal
9. Instantaneous Maximum Limitations
10. Twice per Month Sampling
11. Operator Training Plan
12. Operations and Maintenance Plan
13. Laboratory Certification
14. Fecal Coliform Reporting

PA0026166, Sewage, **Warminster Municipal Authority**, 415 Gibson Avenue, P. O. Box 2279, Warminster, PA 18974. This facility is located in Warminster Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Log College STP.

The receiving stream, Little Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: WWF, MF. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 and 002 are based on a design flow of 8.18 and 0.3 MGD respectively.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(05-01 to 10-31)	15	23		30
(11-01 to 04-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(05-01 to 10-31)	1.0			2.0
(11-01 to 04-30)	3.0			6.0
NO ₂ +NO ₃ as N				
(07-01 to 10-31)	10.0			20.0
(11-01 to 06-30)	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorous (as P)				
first 12 months				
(04-01 to 10-31)	2.0			4.0
(11-01 to 03-31)	Monitor/Report			
after 12 months				
(04-01 to 10-31)	1.3			2.6
(11-01 to 03-31)	2.0			4.0
Fecal Coliform				
			200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml in more than 10 percent of samples	
Dissolved Oxygen			Minimum of 6.0 mg/l at all times	
pH			Within limits of 6.0—9.0 Standard Units at all times	
Copper, Total	Monitor/Report			
Hardness, Total	Monitor/Report			
Iron, Total	Monitor/Report			
Iron, Dissolved	Monitor/Report			
Aluminum, Total	Monitor/Report			

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

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership

7. Proper Sludge Disposal
8. TMDL/WLA Analysis
9. WET Testing
10. Operator Training
11. Stormwater Monitoring
12. Pretreatment Program
13. UV Disinfection
14. Laboratory Certification
15. Copper WER Based Limit

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

PA0029289-A1, Sewage, **Stroudsburg Borough**, 700 Sarah Street, Stroudsburg, PA 18360. This proposed facility is located in Stroudsburg Borough, **Monroe County**.

Description of Proposed Activity: Increase the discharge of treated sewage from 2.5 MGD to 21.5.

The receiving stream, McMichael's Creek, is in the State Water Plan watershed #1E and is classified for: Trout Stocking Fishes. The nearest downstream public water supply intake for City of Easton is located on Delaware River is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N (5/1 to 10/31)	10.0		20.0
Phosphorus as "P" Total	Monitor & Report		
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean		
(10/1 to 4/30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.3
Nitrate Nitrogen (5/1 to 10/31)	Monitor & Report		
Total Dissolved Solids	1,000		

The proposed effluent limits for Outfall 001 based on a design flow of 4.5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0	15.0	20.0
Total Suspended Solids	10.0	15.0	20.0
NH ₃ -N (5/1 to 10/31)	1.5		3.0
(11/1 to 4/30)	4.5		9.0
Phosphorus as "P" Total	1.0		2.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.43		1.0
Nitrate Nitrogen (5/1 to 10/31)	4.0		
Total Dissolved Solids	1,000 mg/l	1,500 mg/l	2,000 mg/l

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814-332-6942.

PA0263613, Sewage, **Robert Miller**, P. O. Box 203, Custer City, PA 16725-0203. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream, Minard Run, is located in State Water Plan watershed 16-C and is classified for Exceptional Value Waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report					
pH (S.U.)			6.0			9.0
Total Residual Chlorine				Report		
CBOD ₅				10		20
Total Suspended Solids				10		20
Fecal Coliform (CFU/100 mL)				200 Geo Mean		

You may make an appointment to review the Department of Environmental Protection files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0263451, Industrial Waste, **SIC Code 213112, 484000, Superior Well Service**, 1560 North Perry Highway, Fredonia, PA 16124-2714. This proposed facility is located in Fredonia Borough, **Mercer County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Industrial Waste and Stormwater.

The receiving stream, unnamed tributary to Otter Creek, is located in State Water Plan watershed 20-A and is classified for Trout Stocked Fishery, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00002 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report					
Total Suspended Solids				Report		
Oil and Grease				15		30
Ammonia-Nitrogen				Report		
pH (S.U.)			6.0			9.0

In addition, the permit contains the following major special conditions:

- Stormwater Requirements

You may make an appointment to review the Department of Environmental Protection files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

PA0024741, Sewage. **Municipal Authority of the Township of Sheffield**, 20 Leather Street, Sheffield, PA 16347. This existing facility is located in Sheffield Township, **Warren County**.

Description of Proposed Activity: Renewal of an existing NPDES Permit to discharge treated sewage, and the future expansion and upgrade of the sewage treatment plant.

The receiving stream, the Little Toby Creek, is in watershed 17-A and classified for: Cold Water Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.27 MGD.

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	
Flow (MGD)	XX	XX				
CBOD ₅	56.0	90.0	25	40	50	
Total Suspended Solids	67.5	101.0	30	45	60	
Total Residual Chlorine	1.10		0.5		1.2	
Fecal Coliform						
(05/01 - 09/30)			200/100 ml as a geometric average			
(10/01 - 04/30)			2,000/100 ml as a geometric average			
Total Copper	XX		XX		XX	
pH			6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfall 001 are based on a design flow of 0.66 MGD.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX	XX			
CBOD ₅	137.5	220.0	25	40	50
Total Suspended Solids	165.0	247.5	30	45	60
Total Residual Chlorine	2.75		0.5		1.2
Fecal Coliform (05/01 - 09/30)		200/100 ml as a geometric average			
(10/01 - 04/30)		2,000/100 ml as a geometric average			
Total Copper	0.22		0.04		0.08
pH		6.0 to 9.0 standard units at all times			

XX—Monitor and report on monthly DMRs.

The EPA Waiver is 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. 1309401, Sewerage, **Country Club Estates Condominium Associates, Inc.**, 2930 Fairview Street, Allentown, PA 18104. This proposed facility is located in Mahoning Township, **Carbon County**, PA.

Description of Proposed Action/Activity: This project consists of construction of collection sewers to be connected to existing system & new treatment facility with a total capacity of 30,000 GPD.

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

WQM Permit No. 6791402, Amendment 09-1, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331. This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for modifications to the existing wastewater treatment facility to comply with the Chesapeake Bay standards.

WQM Permit No. 0197403, Amendment 09-1, Sewerage, **Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325-3307. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Upgrade and expansion of WWTP from average design flow of 2.45 MGD to 3.0 MGD (3.15 MGD to 5.9 MGD 3-month maximum average daily flow).

WQM Permit No. 4124403-A1, Sewerage 4952, **Borough of Duboistown**, 2651 Euclid Avenue, Duboistown, PA 17702. This proposed facility is located in Duboistown Borough, **Lycoming County**.

Description of Proposed Action/Activity: Aerial forcemain replacement from the Duboistown Pump Station to the Williamsport Sanitary Authority (WSA) West Plant, approximately 2,750 feet. Approximately 1,600 ft of the forcemain will be suspended under the new Arch Street Bridge, which traverses the Susquehanna River. The remaining length replaces the pipe from the Duboistown Pump Station to the south shore of the proposed Arch Street Bridge, and the pipe from the north shore of the proposed Arch Street Bridge to an existing gravity manhole which conveys sewage to WSA West Plant.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0909008	Solebury Township 3032 Sungan Road P. O. Box 139 Solebury, PA 18063	Bucks	Solebury Township	Paunacussing Creek (HQ)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1505069 Phases 2-4	Pulte Homes of PA, LLC 1100 Northbrook Drive Ste 200 Trevose, PA 19053	Chester	East Brandywine Township	Beaver Creek (TSF-MF) Culbertson Run (HQ-TSF-MF)
PAI01 1509033	Matthew and Christine Mullen 600 Thorncroft Drive West Chester, PA 19380	Chester	East Goshen Township	Ridley Creek Hunters Run (HQ-TSF)
PAI01 1509034	Phoenixville Area School District 1120 South Gay Street Phoenixville, PA 19460	Chester	Phoenixville Borough and Schuylkill Township	French Creek (TSF-MF) Pickering Creek (HQ-TSF)
PAI01 1509035	E. Miller Property, LLC 227 Granite Run Drive Ste 100 Lancaster, PA 17601-6813	Chester	East Nottingham Township	West Branch Big Elk Creek and Little Elk Creek (HQ-TSF-MF)
PAI01 1509036	Redevelopment Authority of Coatesville One City Hall Place Coatesville, PA 19320	Chester	Valley Township and City of Coatesville	West Branch Brandywine Creek (WWF)

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

Northampton County Conservation District: 14 Gracedale Ave., Greystone Bldg., Nazareth, PA 18064-9211, 610-746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804017R	GE&T Development Co., LP 3863 Thomas Dr. Emmaus, PA 18049	Northampton	Moore Twp.	Monocacy Creek HQ-CWF, MF

Lehigh County Conservation District: Lehigh Agricultural Center, Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909018	Pipeline Petroleum Attn: Bruce Ebert P. O. Box 159 Shippers Ln. Macungie, PA 18062	Lehigh	South Whitehall Twp.	Jordan Creek TSF, MF

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 3509502, Public Water Supply.

Applicant **Pennsylvania American Water**
800 West Hersheypark Dr.
Hershey, PA 17033
Archbald Borough
Lackawanna County

Responsible Official David Kaufman
Pennsylvania American Water
800 West Hersheypark Dr.
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Richard Kresge, P. E.
Quad Three Group, Inc.
37 N. Washington St.
Wilkes-Barre, PA 18701

Application Received Date 10/27/09

Description of Action Applicant proposes the construction of the Highlands at Archbald Water Booster Pumping Station.

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

Permit No. 3609512, Public Water Supply.

Applicant **High Spring Water**

Municipality Warwick Township

County **Lancaster**

Responsible Official John S. High
727 Furnace Hills Pike
Lititz, PA 17543

Type of Facility Public Water Supply

Consulting Engineer Jeffrey W. Sweater, P. E.
ELA Group, Inc.
743 S. Broad Street
Lititz, PA 17543

Application Received 9/13/2009

Description of Action Additions and renovations to High Spring Water Vending Machines

Permit No. 3609514, Public Water Supply.

Applicant **Northwestern Lancaster County Authority**

Municipality Penn Township

County **Lancaster**

Responsible Official David C. McCracken,
Chairperson
97 North Penryn Road
Manheim, PA 17545

Type of Facility Public Water Supply

Consulting Engineer Mark L. Homan, P. E.
Becker Engineering, LLC
111 Millersville Road
Lancaster, PA 17603

Application Received: 10/23/2009

Description of Action Booster Pump Station for interconnection with the City of Lancaster

Permit No. 3609515, Public Water Supply.

Applicant **Black Rock Retreat Association**

Municipality Colerain Township

County **Lancaster**

Responsible Official John Hollinger, Facilities Manager
1345 Kirkwood Pike
Quarryville, PA 17566

Type of Facility Public Water Supply

Consulting Engineer Thomas J. Whitehill, P. E.
Whitehill Consulting Engineers
763 Conowingo Rd.
Quarryville, PA 17566

Application Received: 11/2/2009

Description of Action Addition of chlorine contact piping and demonstration of 4-log treatment of viruses under the Groundwater Rule.

Permit No. 2109504, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**

Municipality Upper Allen Township

County **Cumberland**

Responsible Official John D. Hollenbach, Vice President
4211 East Park Circle
Harrisburg, PA 17111-0151

Type of Facility Public Water Supply

Consulting Engineer Arthur Saunders, P. E.
United Water Pennsylvania
4211 East Park Circle
Harrisburg, PA 17111

Application Received: 11/5/2009

Description of Action Booster pump station replacement

MINOR AMENDMENT

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

Application No. 0209521MA, Minor Amendment.

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

Township or Borough City of Pittsburgh

Responsible Official Michael Kenney, Executive Director
Pittsburgh Water & Sewer Authority
1200 Penn Avenue
2nd Floor
Pittsburgh, PA 15222-4204

Type of Facility Highland Reservoir #2

Consulting Engineer Youchak & Youchak, Inc.
932 West North Avenue
Pittsburgh, PA 15233

Application Received Date	October 1, 2009
Description of Action	Rehabilitation of the Highland Reservoir #2 which includes the replacement of the floating cover.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA4-92C, Water Allocations. Municipal Authority of the Borough of Midland, 946 Railroad Avenue, Midland, PA 15059, **Beaver County**. The applicant is requesting the right to withdraw 5 million gallons of water per day, average annual, from the Ohio River through a new intake.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area,

the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Laughlin Residence, 2042 Huntington Street, Bethlehem City, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate (on behalf of his client, Marie L. Laughlin, 2042 Huntington Street, Bethlehem, PA 18017), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of leaking non-regulated underground storage tank. The future use of the property will be residential. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Express Times* on August 28, 2009. A Final Report was simultaneously submitted.

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

Gichner Shelter Systems, Inc., York Township, **York County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Dallastown Realty II, LLC, 490 East Locust Street, Dallastown, PA 17313, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with Inorganics, VOCs, SVOCs and PAHs. The current and future use of the site is the manufacture of specialty aluminum shelters for commercial and military uses. The applicant intends to remediate the site to a combination of the Statewide Health and Site-Specific Standards.

Mastracola and Beltrante Residence, Swatara Township, **Lebanon County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Robert Mastracola and Regina Beltrante, 325 Old Route 22, Fredericksburg, PA 17206, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil released from an aboveground storage tank. The site, which will continue as a residence, will be remediated to the Residential Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Carnegie Tar & Asphalt, Dark Hollow Road (Former), Borough of Oakmont, **Allegheny County**. Raymond R. Orloski, KU Resources, 22 South Linden Street,

Duquesne, PA 15110 on behalf of Bruce J. Corna, Kacin Companies, Inc., 3875 Old William Penn Highway, Murrysville, PA 15668 has submitted a Notice of Intent to Remediate. A phase II investigation conducted at the former Carnegie Tar and Asphalt Company in Oakmont Borough revealed contaminants of concern arsenic, iron, benzene trichloroethylene and cis-1,2-dichloroethylene. Three potential pathways; direct contact to soils and groundwater, ingestion of groundwater, and vapor intrusion to indoor air will be evaluated in a Site-Specific Risk Assessment. The site is expected to be used for recreational purposes and will be evaluated with an intended purpose of residential use.

The Encore on 7th, City of Pittsburgh, **Allegheny County**. Chad C. Coy, P.E., Cummings/Riter Consultants, Inc., 10 Duff Road, Pittsburgh, PA 15235 on behalf of Tina Rider (PNC Realty Investors), BIT Holdings Sixty-Five, Inc., c/o PNC Realty Investors, Inc., 1601 K Street, N.W., Suite 1100, Washington, DC 20006 has submitted a Notice of Intent to Remediate. Constituents of concern associated with the property include volatile organic compounds, polynuclear aromatic hydrocarbons and inorganic compounds which have been detected in the site soils and/or groundwater. The property is currently used for commercial retail and multi-family residential purposes. Engineering and institutional controls will be used to attain the pathway elimination component of the Site-Specific or a combination of Site-Specific Standard and Statewide Health Standard will be achieved.

Rosedale Tract Koz & Lower Ore Yard Koz, Johnstown City, **Cambria County**. Joseph D'Andrea, L. Robert Kimball & Associates, Inc., 615 W. Highland Ave., Ebensburg, PA 15931 on behalf of Deborah Walter, Johnstown Redevelopment Authority, 401 Washington Street, 4th Floor, Johnstown, PA 15901 has submitted a Notice of Intent to Remediate. Land form constructed in the late 1800's using steel mill wastes including soil, slag, sand, coal cinders, metal ores and demolition debris. The Rosedale Tract contained a bulk fuel oil tank and was used for storage of rail sidings, finished product, and equipment. The Lower Ore Yard was used rail sidings, coal storage and foundry ore storage. Steel mill operations ended in the late 1990's. A remedial investigation identified multiple inorganics exceeded the Statewide Health Standard. A nonresidential Site-Specific Standard will be attained through engineering and institutional controls.

U. S. Steel Frozen Hollow Site, Allegheny Township, **Westmoreland County**. Thomas Walsh, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Joseph Curro, U.S. Steel Corporation, 600 Grant Street, Room 2656, Pittsburgh, PA 15219-2800 has submitted a Notice of Intent to Remediate. The site is a 22 acres former disposal area for carbon steel slag and line-neutralized spent pickle liquor. Some drums containing solid residual material contained aluminum, arsenic, beryllium, iron, nickel and thallium were found to exceed soil to groundwater MSCs. Exceedances of soil MSCs are limited to lead, manganese and thallium. Exceedances of groundwater MSCs are limited to bis(2ethylhexyl) phthalate, aluminum, iron lead and manganese. Remedial efforts may include removal of drums and capping of spent pickle liquor area. The site is to remain nonresidential.

Elk Club Garage, Canonsburg, **Washington County**. Richard DeLuca Jr., Aurora Environmental, Inc., 1031 Third Street, New Brighton, PA 15066 on behalf of Don Autry, Clearview Federal Credit Union, 8805 University

Bldv, Coraopolis, PA 15108 and Dennis Lombardo, Lombardo Industries, Inc., 995 Brodhead Rd., Moon Twp., PA 15108 has submitted a Notice of Intent to Remediate. Soil contamination remains from the former underground storage tank removal and may have impacted groundwater. The intended use is commercial. A nonresidential Statewide Health Standard may be attained through excavation and removal of contaminated soils.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.10—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101069. Southeast Chester County Refuse Authority (SECCRA), P. O. Box 221, Kennett Square, PA 19348. This minor permit modification application is submitted to install and operate an additional internal combustion (IC) engine/generator at SECCRA Community Landfill located in London Grove Township, **Chester County**. The application was received by the Southeast Regional Office on October 30, 2009.

Permit Application No. 301220. Clean Earth of Pennsylvania, Inc., 3201 S. 61st Street, Philadelphia, PA 19153-3502, City of Philadelphia, **Philadelphia County**. This permit application is for the 10-year renewal of the existing solid waste permit to continue the operation of the Clean Earth of Philadelphia Facility, a residual waste processing facility located in the City of Philadelphia. The application was received by the Southeast Regional Office on July 29, 2009.

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

Permit Application No. 101537. Hinkle Hauling Service, Inc., Transfer Station, Hinkle Hauling Service, Inc., 1725 Brookside Road, Macungie, PA 18062. A Permit Renewal of this allowing the operation of this municipal waste transfer facility, located in Lower Macungie Township, **Lehigh County**, to continue to operate. The permit renewal application was received in the Regional Office on September 28, 2009; and as of October 29, 2009, it was found to be administratively complete. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

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

09-0021C: MRI Flexible Packaging Co. L.P. (122 Penns Trail, Newtown, PA 18940) for installation and operation of a new Regenerative Thermal Oxidizer to replace two (2) existing catalytic oxidizers to control pollutant emissions from their printing operations in Newtown Township, **Bucks County**. The Plan Approval will contain applicable testing, monitoring and recordkeeping requirements to ensure compliance with the emission limits for a State Only facility.

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

32-00055G: Homer City OL (1750 Power Plant Road, Homer City, PA 15748-8009) for installation of carbon injection system for Units 1 & 2 at Homer City Generating Station in Center Township, **Indiana County**.

65-00986A: Overly Door Co. (574 West Otterman Street, Greensburg, PA 15601-2148) for construction and temporary operation of a fiberglass door manufacturing facility in the Greensburg-Hempfield Industrial Park, Hempfield Township, **Westmoreland County**. The applicant estimates that total VOC and HAP emissions.

65-00630B: Mine Safety Appliances Company (3880 Meadowbrook Road, Murrysville, PA 15668) for installation of a respirator mask manufacturing operation at the Murrysville Plant in Murrysville, **Westmoreland County**.

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

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

23-0100A: Pyramid Materials—a division of Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for installation of a non-metallic mineral processing plant at an existing facility at 414 West Knowlton Road, Media, PA 19063, Aston Township, **Delaware County**. The facility is a synthetic minor for oxides of nitrogen (NO_x). The permittee will take limitations to remain a synthetic minor facility for NO_x and a natural minor facility for all other pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

15-0060F: Southeastern Chester County Refuse Authority—SECCRA (P. O. Box 221, Kennett Square, PA 19348) for installation of two (2), 233 HP IC engine/electric generator at the SECCRA municipal solid waste landfill at 219 Street Road, West Grove, PA 19390, London Grove Township, **Chester County**. The installation of the engine/electric generator will utilize landfill gas generated on site to produce electricity; it will result in an increase in VOC, CO, PM, SO_x, NO_x and HAP emissions. The facility is a synthetic minor and operates under Operating Permit 15-00060. The permittee will take limitations to remain a synthetic minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

22-05012D: ArcelorMittal Steelton, LLC (215 South Front Street, Steelton, PA 17113) for construction of a natural gas fired boiler (99.3 mmbtu/hr) and four (4) railroad car ingot heaters (total 12.3 mmbtu/hr), a cooling tower, associated degasser system and ingot expansion project in Steelton Borough, **Dauphin County**. Primary emissions from the project will be NO_x with a potential of approximately 23 tons per year. The new boiler partly covers the steam heat lost from the shutdown #6 oil fired 200 mmbtu/hr boiler. The project will improve utilization of the existing DCEAF, achieve overall energy efficiency and emissions reductions per ton of steel, and increase the ingot production without increasing the facility's DCEAF's rated annual steel production capacity. The plan

approval will contain emission standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

43-011F: Greenville Metals, Inc. (99 Crestview Drive Ext, Transfer, PA 16154) for modification of plan approval 43-011E to include the Drying Tube (Source 201) being controlled by the new baghouse (C205) in Pymatuning Township, **Mercer County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The conditions from plan approval 43-011E issued on August 7, 2008, will remain in effect for Sources 202, 203, & 205.
- Source 201 conditions:
- Subject to 25 Pa. Code § 123.21
- Particulate matter emissions exiting the control device(s) associated with this source shall not exceed 0.0052 grains per dry standard cubic foot.
- Within twelve (12) to eighteen (18) months prior to the expiration of the facility operating permit, a stack test for PM shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection (Department). The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted at the outlet of the normal control device (C205).
- The company shall maintain a log of all preventative maintenance inspections of the source and control device(s). The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, record of any bag/cartridge replacements, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
- The company shall maintain a log of the following, at a minimum, from the operational inspections:
 - Pressure drop across the operating baghouse (C205 and/or BH01)
 - Permittee looked for any unusual conditions that might indicate a need for further maintenance
 - The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
 - Pressure differential—daily defined as once every calendar day
 - The permittee shall perform a daily operational inspection of the operating control device(s) (C205 and/or BH01).

- The permittee shall perform monthly maintenance inspections of the control device(s) (C205 & BH01).

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the control device(s) (C205 & BH01).

- All gauges employed by the permittee to monitor the required control device (C205) operating parameters shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.

- Control device operating parameters, including pressure drop, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- The permittee shall maintain 20% of the required filter elements for both control device(s) (C205 & BH01) associated with this source, on site, for emergency replacement.

- The permittee shall operate the control device (C205 and/or BH01) at all times that the source is in operation.

- The company shall maintain and operate the source and control device(s) in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop determined during initial stack testing and shake down period.

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

AMS 09188: Sun Chemical Corp. (3301 Hunting Park Avenue, Philadelphia, PA 19132) to increase Mill HM-1 & HM-2 batch size from 150 lbs for each to 1,400 lbs for each in the City of Philadelphia, **Philadelphia County**. Volatile Organic Compound (VOC) emissions from mill HM No. 1 shall not exceed 3.78 lbs/hr and shall be less than 2.7 tons per rolling 12-month period. Volatile Organic Compound (VOC) emissions from mill HM No. 2 shall not exceed 3.78 lbs/hr and shall be less than 5.1 tons per rolling 12-month period. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

AMS 09196: Sun Chemical Corp. (3301 Hunting Park Avenue, Philadelphia, PA 19132) to increase batch size Kady Mill No. 12 (milling ink product) from 6,500 lbs. to 8,000 lbs, in the City of Philadelphia, **Philadelphia County**. Volatile Organic Compound (VOC) emissions from Kady Mill No. 12 shall not exceed 0.87 pound per hour or 3.80 tons per year. The plan approval will

contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

AMS 09195: Sun Chemical Corp. (3301 Hunting Park Avenue, Philadelphia, PA 19132) to increase Kady Mill No. 1 (milling white ink product) batch size from 120 lbs to 200 lbs in the City of Philadelphia, **Philadelphia County**. Volatile Organic Compound (VOC) emissions from Kady Mill No. 1 shall not exceed 0.09 pound per hour or 0.16 ton per year. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

21-05002: PPG Industries, Inc. (400 Park Drive, Carlisle, PA 17015) for operation of a flat glass manufacturing facility in South Middleton Township, **Cumberland County**. This action is a renewal of Title V operating permit No. 21-05002 issued in 2005. The facility's major emissions are nitrogen oxides (NOx) from the glass melting furnaces. The Title V permit renewal will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

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

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

09-00031: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) for renewal of the State Only Operating Permit for a stone crushing and asphalt plant in Wrightstown Township, **Bucks County**. The renewal includes several revisions, including but not limited to site inventory and site map. In addition, two asphalt plants are no longer operated and therefore removed from the site inventory. The option to use fuel oil is removed. The renewal will include the incorporation of Plan Approval 09-0031A and Request for Determination (RFD) No. 227. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a synthetic minor facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

39-00033: Lutron Electronics—Alburdis (7200 Suter Road, Coopersburg, PA 18036-1249) for a State Only Operating Permit to manufacture electrical equipment and supplies in Lower Macungie Township, **Lehigh**

County. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

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

06-03029: Yuasa Battery, Inc. (2901 Montrose Avenue, Laureldale, PA 19605) for operation of a lead—acid storage battery manufacturing facility in Laureldale Borough, **Berks County**. The facility is subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources and Part 63, Subpart P, National Emission Standards for Hazardous Air Pollutants from Lead-Acid Battery Manufacturing Plants. This action is a renewal of the State-only operating permit issued in 2004.

06-05095: Unicast Co. (6th & Washington Streets, Boyertown, PA 19512) for operation of a gray iron foundry in the Boyertown Borough, **Berks County**. This is a renewal of the State-only operating permit issued in 2004.

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

24-00146: National Fuel Gas Supply Corp.—Boone Mountain Station (P. O. Box 2081, Erie, PA 16512-2081) to re-issue a Natural Minor Operating Permit to operate a natural gas compressor station on Mud Road in Horton Township, **Elk County**. The primary emission sources include three (3) natural gas fueled compressor units, a natural gas fueled auxiliary generator and two (2) pipeline heaters.

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 a 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 a 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 a 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.

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

56090112 and NPDES No. PA0262901. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 603.0 acres. Receiving stream(s): unnamed tributaries to/and Fallentimber Run,

unnamed tributaries to Stonycreek River classified for the following use(s): cold water fishery, trout stocked fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received: October 27, 2009.

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

02080102 and NPDES Permit No. PA0251500. R & R Mining, LLC (21101 Route 19, Cranberry Township, PA 16066). Application received to transfer permit currently issued to Mashuda Corporation for continued operation and reclamation of a bituminous surface mining site located in North Fayette and Collier Townships, **Allegheny County**, affecting 163.8 acres. Receiving streams: Unnamed tributaries to Robinson Run and Pinkertons Run; Pinkertons Run to Robinson Run to Chartiers Creek to Ohio River, classified for the following use: warm water fishes. There are no potable water supplies located within 10 miles from the point of discharge. Application received: October 26, 2009.

65-09-01 and NPDES PA0251771. Robindale Energy Services, Inc. (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Application for a government financed construction contract to remove coal refuse and reclaim abandoned mine lands, located in Hempfield Township, **Westmoreland County**, affecting 15.2 acres. Receiving stream: unnamed tributary to Little Crabtree Creek, classified for the following use: WWF. There is no

potable water supply intake within 10 miles downstream from the point of discharge. GFCC application received: May 14, 2009.

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

17070115 and NPDES No. PA0256641. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Revision of an existing bituminous surface mine for stream encroachment for unnamed tributary "A" to Abe's Run in Bradford Township, **Clearfield County**, affecting 36.2 acres. Receiving stream: Abe's Run, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 14, 2009.

17813084 and NPDES No. PA0609994. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 407.3 acres. Receiving streams: Wolf Run and an unnamed tributary to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 28, 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.

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

65900402 and NPDES Permit No. PA0591777. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Application received for transfer of permit currently issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Derry and Fairfield Townships, **Westmoreland County**, affecting 1,303.0 acres. Receiving streams: unnamed tributaries to Conemaugh River; and unnamed tributary to Tannery Hollow to McGee Run to Conemaugh River; and unnamed tributaries to Harbridge Run to McGee Run to Conemaugh River, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is the Torrance Reservoir. Transfer application received: October 13, 2009.

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates BMC, Inc. (2200 Springfield Pike,

Connellsville, PA 15425). Application received for transfer of permit currently issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Unity and Cook Townships, **Westmoreland County**, affecting 139.8 acres. Receiving streams: unnamed tributaries to Ninemile Run to Ninemile Run to Loyalhanna Creek to Kiskiminetas River; and unnamed tributaries to Campbelle Run and Campbelle Run to Fourmile Run to Loyalhanna Creek (Fourmile Run to Miller Run Section) to Loyalhanna Creek to Kiskiminetas River, classified for the following use(s): warm water fishes and trout stocking. The first downstream potable water supply intake from the point of discharge is the Municipal Authority of Westmoreland County. Transfer application received: October 13, 2009.

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

37870303. RWE Holding Company (P. O. Box 144, Portersville, PA 16051). Transfer of an existing slag quarry operation in Taylor Township, **Lawrence County** affecting 46.0 acres. Receiving streams: Shenango River to the Beaver River, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is the City of West Pittsburgh. Transfer from R. W. Elliott & Sons, Inc. Application received: October 30, 2009.

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

58070816. Gerald Ellis, Jr. (RR 4, Box 277, Montrose, PA 18801), Stages I & II bond release from a quarry operation in Springville Township, **Susquehanna County**, affecting 1.0 acre on property owned by Berlin Russo, Jr. Application received: October 19, 2009.

58072802. Joseph A. Decker, Sr. (RR 1 Box 254, Kingsley, PA 18826), Stages I & II bond release from a quarry operation in Gibson Township, **Susquehanna County**, affecting 5.0 acres on property owned by Joseph A. Decker, Sr. Application received: October 19, 2009.

5276SM5C9 and NPDES Permit No. PA0595217. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for existing discharge of Pit/groundwater and an incidental boundary correction to add 4.7 acres of support area and permitted acreage update for a total permitted acreage of 202.3 acres for a quarry operation in Dingman Township, **Pike County**, receiving stream: Sawkill Creek, classified for the following use: Exceptional Value. Application received: October 22, 2009.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E21-373: Community Refuse Service, Inc., 135 Vaughn Road, Shippensburg, PA 17257, Hopewell and North Newton Townships, **Cumberland County**, ACOE Baltimore District.

The applicant proposes to (1) construct and maintain 57.0 linear feet of an 8-foot by 10-foot concrete box culvert depressed two feet below the existing streambed elevation on an unnamed tributary to Conodoguinet Creek (WWF) (Newburg, PA Quadrangle Latitude: 40° 08' 29"; Longitude: 77° 30' 16"); (2) fill or excavate a total of 0.49-acre of three P.E.M wetlands (Newburg, PA Quadrangle Latitude: 40° 08' 05"; 40° 08' 10"; 40° 08' 18", Longitude: 77° 30' 21"; 77° 30' 35"; 77° 30' 28"); (3) fill or excavate an existing 0.19-acre pond (Newburg, PA Quadrangle Latitude: 40° 08' 18"; Longitude: 77° 30' 28"); (4) construct and maintain 1.08 acre of replacement wetland (Newburg, PA Quadrangle Latitude: 40° 07' 57"; Longitude: 77° 29' 50"); (5) fill in two unnamed tributaries to Conodoguinet Creek (Newburg, PA Quadrangle Latitude: 40° 07' 52.39"; Longitude: 77° 30' 17.5", Latitude: 40° 07' 52.25"; Longitude: 77° 30' 21.63" respectively); and (6) mitigate stream impacts by enhancement of 1,513.0 linear feet of an unnamed tributary to Conodoguinet Creek (WWF) with nine step pools, two log vanes, rock toe protection, vegetative plantings, and debris removal (Newburg, PA Quadrangle from Latitude: 40° 07' 53"; Longitude: 77° 30' 06" to Latitude: 40° 07' 49"; Longitude: 77° 30' 22") all for the purpose of constructing a 102-acre expansion for the existing Cumberland County Landfill, and a 90-acre soil borrow area to the north and east of the intersection of S.R. 4003 and Vaughn Road in Hopewell Township, Cumberland County.

E67-872: Snyder's of Hanover, Inc., 1350 York Road, Hanover, PA 17331-0917, Snyder's of Hanover Glatco Lodge Road Quarry, Heidelberg Township, **York County**, ACOE Baltimore District.

To fill and maintain a 1.93 acre, abandoned open water quarry pit with clean fill. The project is located west of Glatco Lodge Road, north of its intersection with Moulstown Road (Hanover, PA Quadrangle N: 15.9 inches; W: 10.2 inches, Latitude: 39° 50' 19"; Longitude: 76° 56' 46.5") in Heidelberg Township, York County. The purpose of the project is to reclaim the mine area and to eliminate potential safety hazards to the community.

E67-873: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Springettsbury and Spring Garden Townships, **York County**, ACOE Baltimore District

To: (1) raze the existing SR 1033 (Sherman Street) steel I-beam bridge having four spans, a width of 37.3 feet, a total span of 263.7 feet, and an underclearance of 22.5 feet over Mill Creek (WWF) and Interstate 83 (York, PA Quadrangle N: 18.9 inches; W: 11.9 inches, Latitude 39° 58' 45"; Longitude: 76° 42' 35"); (2) construct and maintain a two span composite steel plate girder bridge approximately 18 feet west of the existing bridge having a

width of 55.3 feet, a total span of 265.0 feet, and an underclearance of 24.5 feet carrying SR 1033 (Sherman Street) over Mill Creek (WWF) and Interstate 83 (York, PA Quadrangle N: 18.9 inches; W: 11.9 inches, Latitude: 39° 58' 45"; Longitude: 76° 42' 35") in Springettsbury and Spring Garden Townships, York County, for the purpose of providing a structurally sound bridge that will maintain safe and adequate movement of motorized vehicles.

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

E63-618. Pennsylvania Department of Transportation, District 12-0, 825 N Gallatin Avenue Ext, P. O. Box 459, Uniontown, PA 15401-0459. To construct and maintain culverts and replacement bridge in South Straband and Somerset Townships, **Washington County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain:

1. a 174 ft long extension of an existing 168 ft long, 21 ft span arch culvert with a drainage area of 6 square miles under the to be widened SR 70 and reconstructed SR 519 access ramps in Little Chartiers Creek (HQ-WWF, Washington East, PA Quadrangle North 5.6 inches and West 1.25 inches, Latitude: 40° 9' 22.8" and Longitude: 80° 8' 2.1");

2. a 70 ft long extension of an existing 183.5 ft long, 5 ft span, 6 ft clearance box culvert under the to be widened SR 70 in an unnamed tributary of Opossum Run (HQ-WWF, Hackett, PA Quadrangle North 5.9 inches and West 17.0 inches, Latitude: 40° 9' 27" and Longitude: 80° 7' 16.3");

3. a 22 ft span, 51.9 ft wide with a 3.4 ft underclearance replacement bridge with a drainage area of 1.3 square miles for the existing 31.5 ft wide bridge under the to be widened SR 519 and in Opossum Run (HQ-WWF, Washington East, PA Quadrangle North 5.0 inches and West 0.75 inches, Latitude: 40° 9' 11" and Longitude: 80° 7' 49.8");

4. Road construction associated temporary crossings and stormwater outfalls;

5. In addition a total of 0.095 acres of permanent fill and maintenance of P.E.M/PSS/PFO wetlands;

Constructed wetland mitigation is intended to be provided on site. Stream mitigation will be provided off site. This project is associated with SR 70 and SR 519 interchange improvements starting approximately 4.5 miles east of Washington, PA and extending east approximately 1.5 miles and is located in South Strabane and Somerset Townships (Washington East, PA Quadrangle North 5.6 inches and West 1.25 inches; Latitude: 40° 9' 22.8" and Longitude: 80° 8' 2.1"; and extending east to Hackett, PA Quadrangle North 5 inches and West 17.0 inches, Latitude: 40° 9' 27" and Longitude: 80° 7' 16.3"), Washington County.

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

E43-350, Northeastern ITS, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Mercer County**, ACOE Pittsburgh District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 29.7 miles of Mercer

County will be traversed by the proposed project beginning at the Pennsylvania-Ohio boarder on SR 4004 and ending at the Mercer-Venango County boarder on SR 1014. The applicant proposes to cross a total of 39 streams in Mercer County via boring, trenching, or bridge attachment. The proposed crossings are listed from west to east.

1. Trib to Shenango River (WWF), N: 41° 25' 44.81"; W: 80° 30' 51.80", West Salem Twp.

2. Trib to Booth Run (WWF), N: 41° 25' 27.60"; W: 80° 29' 42.22", West Salem Twp.

3. Trib to Booth Run (WWF), N: 41° 25' 25.17"; W: 80° 29' 37.65", West Salem Twp.

4. Trib to Big Run (WWF), N: 41° 25' 09.50"; W: 80° 28' 31.29", West Salem Twp.

5. Big Run (WWF), N: 41° 25' 00.95"; W: 80° 27' 52.06", West Salem Twp.

6. Trib to Big Run (WWF), N: 41° 24' 59.02"; W: 80° 27' 43.45", West Salem Twp.

7. Trib to Big Run (WWF), N: 41° 24' 45.02"; W: 80° 26' 41.09", West Salem Twp.

8. Trib to Big Run (WWF), N: 41° 24' 43.52"; W: 80° 25' 47.64", West Salem Twp.

9. Shenango River (WWF), N: 41° 25' 18.56"; W: 80° 23' 57.08", West Salem Twp.

10. Trib to Little Shenango River (TSF), N: 41° 25' 38.57"; W: 80° 22' 32.55", Hempfield Twp.

11. Little Shenango River (TSF), N: 41° 25' 34.13"; W: 80° 22' 25.63", Hempfield Twp.

12. Trib to Little Shenango River (TSF), N: 41° 25' 39.96"; W: 80° 21' 43.85", Sugar Grove Twp.

13. Little Shenango River (TSF), N: 41° 26' 02.93"; W: 80° 19' 39.78", Sugar Grove Twp.

14. Trib to Little Shenango River (TSF), N: 41° 26' 03.34"; W: 80° 19' 26.86", Sugar Grove Twp.

15. Trib to Little Shenango River (TSF), N: 41° 26' 13.37"; W: 80° 17' 50.03", Salem Twp.

16. Trib to Little Shenango River (TSF), N: 41° 26' 14.17"; W: 80° 17' 45.90", Salem Twp.

17. Trib to Little Shenango River (TSF), N: 41° 26' 18.65"; W: 80° 17' 21.94", Salem Twp.

18. Trib to Little Shenango River (TSF), N: 41° 26' 11.73"; W: 80° 16' 39.18", Salem Twp.

19. Trib to Little Shenango River (TSF), N: 41° 26' 11.85"; W: 80° 16' 27.40", Salem Twp.

20. Trib to Morrison Run (TSF), N: 41° 26' 12.32"; W: 80° 15' 57.55", Salem Twp.

21. Morrison Run (TSF), N: 41° 26' 23.36"; W: 80° 15' 12.16", Sandy Creek Twp.

22. Trib to Mill Run (WWF), N: 41° 26' 35.13"; W: 80° 13' 02.18", Sandy Creek Twp.

23. Mill Run (WWF), N: 41° 26' 35.75"; W: 80° 12' 36.42", Sheakleyville Borough.

24. Trib to Morrison Run (TSF), N: 41° 26' 27.98"; W: 80° 14' 32.84", Sandy Creek Twp.

25. Trib to Morrison Run (TSF), N: 41° 26' 30.98"; W: 80° 14' 03.60", Sandy Creek Twp.

26. Trib to Mill Creek (CWF), N: 41° 24' 33.02"; W: 80° 03' 54.65", Mill Creek Twp.

- 27. Trib to Sandy Creek (WWF), N: 41° 26' 39.02"; W: 80° 11' 34.98", Sandy Creek Twp.
- 28. Sandy Creek (WWF), N: 41° 26' 41.43"; W: 80° 10' 44.26", Deer Creek Twp.
- 29. Trib to Sandy Creek (WWF), N: 41° 26' 24.98"; W: 80° 09' 31.70", Deer Creek Twp.
- 30. Trib to Sandy Creek (WWF), N: 41° 26' 21.74"; W: 80° 09' 28.08", Deer Creek Twp.
- 31. Trib to Sandy Creek (WWF), N: 41° 26' 09.17"; W: 80° 09' 12.26", Deer Creek Twp.
- 32. Schofield Run (WWF), N: 41° 25' 40.03"; W: 80° 08' 35.22", New Vernon Twp.
- 33. Trib to Sandy Creek (WWF), N: 41° 25' 29.21"; W: 80° 08' 16.29", New Vernon Twp.
- 34. Trib to Sandy Creek (WWF), N: 41° 25' 20.45"; W: 80° 08' 05.79", New Vernon Twp.
- 35. Trib to Sandy Creek (WWF), N: 41° 25' 07.87"; W: 80° 07' 46.84", New Vernon Twp.
- 36. Trib to Sandy Creek (WWF), N: 41° 24' 48.83"; W: 80° 06' 58.11", New Vernon Twp.
- 37. Mill Creek (CWF), N: 41° 24' 42.20"; W: 80° 05' 12.35", Mill Creek Twp.
- 38. Mill Creek (CWF), N: 41° 24' 28.12"; W: 80° 04' 20.14", New Lebanon Borough.
- 39. Trib to Little Sandy Creek (HQ-CWF), N: 41° 24' 24.96"; W: 80° 02' 22.78", Mill Creek Twp.

E62-421, Warren County, 204 Fourth Ave, Warren, PA 16365. Warren Bike/Hike Trail, in Conewango Township, **Warren County**, ACOE Pittsburgh District (Russell, PA-NY Quadrangle N: 41° 53' 36"; W: 79° 8' 52").

To construct and maintain a steel beam bridge having providing a clear, normal span of 13 feet and an underclearance of 8.5 feet across a tributary to Dougherty Run and place and maintain fill over the downstream end

of an existing stream enclosure in a tributary to Conewango Creek for the construction of the Warren Bike/Hike Trail along the east side of SR 62 extending north from the end of the existing trail at the intersection of North State Street to Hatch Run Road.

Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.

E3709-001. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in New Beaver Borough, **Lawrence County**, Pittsburgh ACOE District. Receiving Streams/Watershed: Unnamed tributary to Wampum Run (WWF) to Beaver River (Ohio Basin/The Ohio Sub-basin 20B/Beaver River Watershed).

The applicant proposes to reclaim/backfill an abandoned surface mine, eliminating 1,200 linear feet of dangerous highwall. The project involves the encroachment and elimination of all but 0.4 acre of a 3.5 acre open-water body as part of the reclamation work. The project will also directly impact less than 0.05 acre of wetland, which is considered diminimus. Impacts to the water body and wetland are unavoidable to address the public safety hazards at this site. However, a deep and shallow fringe area of the existing water body will remain intact and an additional shallow retention pond will be constructed to alleviate the aquatic resource impacts of the project. Total proposed area for these aquatic features is 0.6 acre. The proposed work includes clearing and grubbing, grading to backfill the highwalls (including water body) with associated spoil material, construction of a shallow retention pond, temporary and permanent erosion control measures and revegetating the entire project area with grasses and legumes (New Galilee and Beaver Falls, PA Quadrangles Latitude: 40° 52' 18"; Longitude: 80° 22' 29", N: 22 inches; W: 17 inches—Beaver Falls Quad).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

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

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09021	VersaCold Logistics 200 First Avenue Gouldsboro, PA 18424 Attn: Mr. Robert Figueroa	Lackawanna	Covington Township	2 ASTs storing diesel fuel	32,000 gallons total

ACTIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal 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

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

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>
PA0114332	Former Dresser Industries Facility R. R. 7, Box 350 Wellsboro, PA 16901	Tioga County Delmar Township	Unnamed Tributary to Baldwin Run (9A)	Y
PA0112895 (Sewerage)	Daniel L. Roeder 205-B Independent Street Catawissa, PA 17820	Roaring Creek Township Columbia County	UNT to Roaring Creek (5E)	Y
PA0111970 (Non-Municipal)	Springbrook Family Campground 675 Numidia Drive Catawissa, PA 17820	Locust Township Columbia County	Roaring Creek (SWP 5E)	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>
PA0228745 (Sewage)	Carl N. & Karen J. Beaver 63 Beaver Meadow Road Catawissa, PA 17820	Locust Township Columbia County	Unnamed Tributary to Roaring Creek (5E)	Y
PA0111830 IW	Emporium Specialties Company Inc. P. O. Box 65 Austin, PA 16720	Potter County Austin Borough	Freeman Run 8A	Y
PA0209708 (CAFO)	Country View Family Farms, LLC Sullivan Farms 372 Hemlock Hill Road Covington, PA 16917	Tioga County Sullivan Township	UNT to Canoe Camp Creek SWP 4A	[N]

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
P0204064 Sewage	Jeffrey S. & Laura A. Robson 829 Bailey's Run Road Tarentum, PA 15084	Allegheny County Frazer Township	Bailey Run	Y
PA0025798 Sewage	Centerville Borough Sanitary Authority P. O. Box 332 Richeyville, PA 15358	Washington County Centerville Borough	Pike Run	Y

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

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

NPDES Permit No. PA0058629, Industrial Waste, **Jamison's Used Auto Parts**, 529 Flint Hill Road, King of Prussia, PA 19406. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: approval for the renewal to discharge stormwater into an unnamed tributary to the Schuylkill River in Watershed 3F.

NPDES Permit No PA0244473, Industrial Waste, **Delaware Valley Concrete Company, Inc.** 248 East County Line Road, Hatboro, PA 19040. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the discharge of stormwater run from the facility into East Brach Red Clay Creek in Watershed 3I.

NPDES Permit No. PA0058742, Sewage **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage to an unnamed tributary to Little Neshaminy Creek in Watershed 2F.

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: Issuance of Water Quality Management Permit.

WQM Permit No. 5409403, Sewerage, **Little Washington Wastewater Company** (Eagle Rock Wastewater Treatment Plant). This proposed facility is located in North Union Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

NPDES Permit No. PA0259896, Amendment No. 1, CAFO, Daniel Heller, Flintrock Corporation/Flintrock Farms, 16 East Brubaker Valley Road, Lititz, PA 17543. This proposed facility is located in Elizabeth Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to operate a 810-AEU broiler and horse operation located in Watershed 7-J.

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

NPDES Permit No. PA0252468, Industrial Waste, **Kittanning Suburban Joint Water Authority**, R. R. 1, Box 23, Adrian, PA 16210-9712. This proposed facility is located in East Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance authorizing discharge to receiving waters named Allegheny River.

NPDES Permit No. PA0028134, Industrial Waste, **PA American Water Company**, 800 Hersheypark Drive, Hershey, PA 17003. This proposed facility is located in Rayburn Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance authorizing discharge to receiving waters named Allegheny River.

NPDES Permit No. PA0253901, Sewage, **Borough of Dale**, 810 Bedford Street, Johnstown, PA 15902. This proposed facility is located in Dale Borough, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance authorizing discharge of combined sewage from combined sewer outfalls.

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

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

WQM Permit No. 6709402, Sewage, **York City Sewer Authority**, 345 East Market Street, York, PA 17403. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: An upgrade to existing treatment plant to meet proposed nutrient limits specified in Part 1 NPDES permit issued on January 9, 2009, and the existing A/O process will be converted to 18 mpg capacity A2O BNR process. The upgraded plant shall meet hydraulic and organic loadings at 26 mgd.

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

WQM Permit No. WQG01080903, Sewerage [SIC 4952], **Darrell Roy**, R. R. 1, Box 1565, Gillette, PA 16925. This proposed facility is located in Springfield Township, **Bradford County**.

Description of Proposed Action/Activity: A proposed small flow treatment facility treats a three bedroom single residence house. The proposed system includes a 1,000 gallon septic tank, a 612 s.f. lined sand filter, a chlorine tablet dispenser, and a 500 gallon chlorine contact tank. The design flow is 400 GPD. The house has recently been converted from a meeting hall to a single family residence. Currently, there is no existing facility, as the meeting hall did not have bathroom facilities.

WQG02490901 Sewerage [4952], **Shamokin Township**, 649 Seven Points Road, Sunbury, PA 17801. This proposed facility is located in Shamokin Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of a 6" gravity interceptor sewer, a pump station, and a 3" forcemain connecting sewage to Shamokin-Coal Township STP.

WQM Permit No. 1894401-A1, Sewerage [SIC 4952], **Loganton Borough Authority**, P. O. Box 203, Loganton, PA 17747. This proposed facility is located in Loganton Borough, **Clinton County**.

Description of Proposed Action/Activity: The client wishes to amend the WQM Part II Permit to include the proposed 20,000 gallon aerated sludge holding tank with waste sludge transfer piping, supernatant return piping and an aeration system and piping.

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

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

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of an ultraviolet disinfection unit at the sewage treatment plant.

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

WQM Permit No. WQG018725, Sewerage, **David W. & Mary A. Wilcox**, 201 Old Route 8, Titusville, PA 16354-7555. 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 0908015	Penn's Grant Corporation 2005 South Easton Road Doylestown, PA 18901	Bucks	Milford Township	Unnamed Tributary Unami Creek (HQ-TSF)
PAI01 0909003	Joseph Bonargo 3461 Durham Road Doylestown, PA 18901	Bucks	Buckingham Township	Paunacussing Creek (HQ-CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508074	LTK Associates, LP 55 Country Club Drive Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)
PAI01 1508078	Joseph Cappelli 1930 Ewing Road Cochranville, PA 19330	Chester	Upper Oxford Township	East Branch Big Elk Creek (HQ-TSF-MF)
PAI01 1509008	Signature Group Holdings, LLC 1045 Andrew Dr, Ste C-1 West Chester, PA 19380-3401	Chester	West Goshen Township	Broad Run (HQ)
PAI01 1509015	Tevl Corporation 527 Main Street Harleysville, PA 19428	Chester	East Coventry Township	Unnamed Tributary Pigeon Creek and Schuylkill River (HQ-TSF)
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S056R(7)	Sanofi Pasteur, Inc. Discovery Dr., Rte. 611 Swiftwater, PA 18370	Monroe	Pocono Twp.	Swiftwater Creek HQ-CWF, MF
PAI023909007	Prime Land Development, LLC P. O. Box 95 Womelsdorf, PA 19567	Lehigh	Lowhill Twp.	Tributary to Lyon Creek HQ-CWF, MF
PAS10S097R(1)	LTS Development, LLC Seven Bridge Rd. RR 5, Box 5348 East Stroudsburg, PA 18301	Monroe	Middle Smithfield Twp.	Brodhead Creek HQ-CWF, MF
<i>Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814-445-4652).</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055609005	National Park Service Keith E. Newlin, Deputy Superintendent 109 West Main Street Suite 104 Somerset, PA 15501	Somerset	Stonycreek Twp	Grove Run, Lamberts Run and Calendars Run Watersheds (CWF)
<i>Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061008002	Thorn Run Dam Rehabilitation PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	Butler	Oakland Township	Thorn Creek HQ-WWF
PAI062009001	Arthur Hoover Lancelot Construction, Inc. Chapel View condominiums P. O. Box 5176 Conneaut Lake, PA 16316	Crawford	Conneaut Lake Borough	UNT Conneaut Lake HQ-WWF

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>
Bensalem Township Bucks County	PAG200 0909049	Bucks County Water & Sewer Auth 1275 Almshouse Road Warrington, PA 18976	Unnamed Tributary Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Rockhill Township Bucks County	PAG200 0907054	Perkasie Borough Authority 306 North Fifth Street Perkasie, PA 18944	Three Mile Run Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Bucks County	PAG200 0909073	OTS2, LP 1900 West Old Lincoln Highway Langhorne, PA 19047	Mill Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Southampton Township Bucks County	PAG200 0909042	Evangelical Pentecostal Church, LLC 2470 Huntingdon Pike Huntingdon Valley, PA 19006	Mill Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG200 0909076	Katz Builders and Developers 1243 Easton Road Ste 200 Warrington, PA 18976	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township and West Chester Boro Chester County	PAG200 1509002	Pennsylvania Clinical Schools 1830 Towerview Drive Coatesville, PA 19320	West Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Bradford Township Chester County	PAG200 1509041	Conergy 222 West Lancaster Avenue Ste 200 Paoli, PA 19301	East Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Sadsbury Township Chester County	PAG200 1509038	Citadel Federal Credit Union 3030 Zinn Road Thorndale, PA 19372	Officers Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG200 1509043	West Goshen Township 1025 Paoli Pike West Chester, PA 19380	Unnamed Tributary East Branch Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lower Oxford Township Chester County	PAG200 1509044	Oxford Area Sewer Authority 14 South Third Street P. O. Box 379 Oxford, PA 19363	Unnamed Tributary Leech Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG200 2306065	Louis Caparo & Associates, LLC 103 Foulk Road Wilmington, DE 19803	Brandywine and Chester Creeks (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG200 4608108-1	Arcadia University 450 South Easton Road Glenside, PA 19038	Unnamed Tributary Tacony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 460710701-1	White Springs Farm, LP 940 Sproul Road Ste 301 Springfield, PA 19064	Unnamed Tributary Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5109028	Philadelphia Preservation Group, LP 116 Fountain Street Philadelphia, PA 19127	Wissahickon Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Hazleton Boro. Luzerne Co.	PAG2004009016	Greater Hazleton Joint Sewer Authority Attn: Robert Stefanovich P. O. Box 651 Hazleton, PA 18201-0651	Black Creek CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Dickson City Boro. Lackawanna Co.	PAG2003509020	DIMI DRealty, Inc. Attn: Timothy Dietrick 521 Green Ridge St. Scranton, PA 18509	Lackawanna River CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Tulpehocken Township Berks County	PAG2000609029	Edward Wilde 443 Congo Road Gilbertsville, PA 19525	UNT to Mill Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Bern Township Berks County	PAG2000609021	Pennsylvania Department of Transportation 1002 Hamilton Street Allentown, PA 18101	Schuylkill River—Tulpehocken Creek—Plum Creek WWF-CWF-WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Silver Spring Township Cumberland County	PAG2002109007	Joel McNaughton Midpenn Properties, Inc. 4400 Deerpath Road Harrisburg, PA 17110	Trindle Spring Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Lancaster Township Lancaster County	PAG2003609065	Crossway Church of Lancaster 318 Barbara Street Millersville, PA 17551	Conestoga River CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5

<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>
East Hanover Township Lebanon County	PAG2003809011	Timothy I. Bartholomew Deputy Training Site Commander Commonwealth of Pennsylvania Building 0-47 Indiantown Gap Annville, PA 17003	Indiantown Run TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
South Annville Township Lebanon County	PAG2003808031	Stuart Hanford Lands of Colebrook Partners III, LP 34 North 16th Street Lebanon, PA 17042	Quittapahilla Creek via Bachman Run TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
South Annville Township Lebanon County	PAG2003809002	Lee Frey DJH Associates, Inc. 2151 Linglestown Road Suite 300 Harrisburg, PA 17110	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
Wysox Township Bradford County	PAG2000809008	Wilson Industries c/o Brett Yourish 7 Sullivan Street Wysox, PA 18854	UNT to Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Ferguson Township Centre County	PAG20014015R	Heidi Nicholas Science Park Plaza Gulfstream Equity Partners 208 W. Hamilton Ave #360 State College, PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Town of Bloomsburg Columbia County	PAG2001908012(1)	Kawneer Company, Inc. P. O. Box 629 500 East 12th Street Bloomsburg, PA 17815	Kinneys Run (Also known as Neals Run) CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Scott Township Columbia County	PAG2001909004	Leroy C. Yocum 830 Market Street Bloomsburg, PA 17815	North Branch Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Somerset County Somerset Borough and Twp.	PAG2005609006	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Unnamed Tributary to the East Branch of Coxes Creek (WWF)	Somerset County CD 814-445-4652
Washington County Cecil Twp.	PAG2006309019	William Graziani 1204 Lucia Drive Canonsburg, PA 15317	Chartiers Creek and Brush Run (WWF)	Washington County CD 724-228-6774
Cranberry Township Butler County	PAG2001009009	Woodhaven Plan of Lots, Hank Tumpa Dimension Development Corporation 10592 Perry Highway Suite 350 Wexford, PA 15090	UNT Brush Creek— WWF	Butler County Conservation District 724-284-5270

*Facility Location:
Municipality &
County*

<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>
Borough of Edinboro Erie County	PAG2 0025 09 007	Edinboro College Attn: Appi Alla Edinboro University McNerney Hall 212 Edinboro, PA 16444	Conneauttee Creek via unnamed Trib TSF	Erie County Conservation District 814-825-6403
Union, Neshannock, Pulaski, Wilmington and North Beaver Townships City of New Castle Lawrence County	PAG2003709004	SR 60 Section L06/SR 422 Section L22 Interstate Re designation Pennsylvania Department of Transportation Ms. Cheryl Moon-Sirianni 45 Thoms Run Road Bridgeville, PA 15017	UNTs Shenango River— WWF Buchanan Run—WWF	Lawrence County Conservation District 724-652-4512
Clearfield County Woodward Township	PAG2091709006	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Wolf Run/ CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

<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>
Muncy Creek Township Lycoming County	PAR224850	Muncy Homes, Inc. P. O. Box 246 1567 PA Route 442 Muncy, PA 17756	Little Muncy Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Old Lycoming Township Lycoming County	PAR124812	Pepsi Bottling Group, LLC P. O. Box 3157 1450 Dewey Avenue Williamsport, PA 17701	Lycoming Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Taylor Township Centre County	PAR604824 (Stormwater)	Loner's Auto Salvage (Yard #2) 11810 S. Eagle Valley Drive Tyrone, PA 16686	Bald Eagle Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Piatt Township Lycoming County	PAR604814 (Stormwater)	Aikeys Body Shop 1678 Devils Elbow Road Jersey Shore, PA 17740	Seely Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Millcreek Township
Erie County

PAR608306

Lincoln Metal Processing
Company, Inc.
1602 Selinger Avenue
Erie, PA 16505Municipal stormwater
sewers to Scott Run and
Presque Isle BayDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Bedford County
Napier Township

PAG043722

Nancy R. Miller
(Rebecca's Personal Care
Home)
133 Hauck Hollow Lane
Manns Choice, PA 15550Raystown Branch
Juniata River
11-D / WWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707Springfield Road
Troy, PA 16947
Springfield
Township

PAG045265

Darrell Roy
R. R. 1
Box 1565
Gillette, PA 16925Unnamed Tributary to
Leonard Creek
WWFNorthcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664Cherrytree
Township
Venango County

PAG049548

David W. & Mary A.
Wilcox
201 Old Route 8
Titusville, PA 16354-7555Unnamed tributary to
Old Creek
16-EDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942*General Permit Type—PAG-9 (SSN)**County / Municipality Permit No.**Applicant Name &
Address**Contact Office &
Phone No.*Barr Township
Cambria County

PAG096104

Brawley Septic
254 Brawley Road
Carrolltown, PA 15722Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000**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**

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

Permit No. 0109505 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**
 Municipality Mt. Joy Township
 County **Adams**
 Type of Facility Addition of Chlorine Contact Pipe at Lake Heritage Treatment Plant
 Consulting Engineer Joel A. Mitchell, P. E.
 Pennsylvania American Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Permit to Construct Issued: 10/27/2009

Permit No. 3609502, Public Water Supply.

Applicant **K&S Group**
 Municipality East Lampeter Township
 County **Lancaster**
 Type of Facility Installation of treatment for removal of radium, gross alpha and manganese.
 Consulting Engineer Charles A. Kehew II, P. E.
 James A. Holley & Associates Inc
 18 South George Street
 York, PA 17401
 Permit to Construct Issued: 11/6/2009

Operations Permit issued to: **Columbia Water Company**, 7360123, Columbia Borough, **Lancaster County** on 10/27/2009 for the operation of facilities approved under Construction Permit No. 3609513 MA.

Operations Permit issued to: **United Water Pennsylvania**, 7220015, Hummelstown Borough, **Dauphin County** on 11/6/2009 for the operation of facilities approved under Construction Permit No. 2207510 MA.

Operations Permit issued to: **City of Lancaster**, 7360058, Manor Township, **Lancaster County** on 11/2/2009 for the operation of facilities approved under Construction Permit No. 3608516 E.

Operations Permit issued to: **Tulpehocken Spring Water, Inc.**, 7226289, Gratz Borough, **Dauphin County** on 11/6/2009 for the operation of facilities approved under Construction Permit No. 2208507.

Operations Permit issued to: **Annville-Cleona School District**, 7381014, North Annville Township, **Lebanon County** on 10/29/2009 for the operation of facilities approved under Construction Permit No. 3809501.

Operations Permit issued to: **Greenfield Township Municipal Authority**, 4070058, Greenfield Township, **Blair County** on 10/27/2009 for the operation of facilities approved under Construction Permit No. 0709501 MA.

Operations Permit issued to: **Cornwall Borough Authority**, 7380007, Cornwall Borough, **Lebanon County** on 10/27/2009 for the operation of facilities approved under Construction Permit No. 3809505 MA.

Operations Permit issued to: **United Water Pennsylvania**, 7670061, Newberry Township, **York County**

on 10/28/2009 for the operation of facilities approved under Construction Permit No. 6709505 MA.

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

Operations Permit issued to **Guys Mills Mutual Water Association**, PWSID #6200062, Randolph Township, **Crawford County**, October 29, 2009, for the operation of the corrosion control treatment system approved under the Lead and Copper Rule, in accordance with construction permit number 2007504-C, issued January 3, 2008.

Operations Permit issued to **Greene Township Municipal Water**, PWSID #6250077, Greene Township, **Erie County**, October 29, 2009, for operation of new 10,500 gallon high-density polyethylene water storage unit, and system modifications to convert emergency back-up storage to permanent storage, as approved by construction permit 2578503-T1-MA1, issued May 11, 2009.

WATER ALLOCATIONS

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

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

Permit WA 25-63C. Erie City Water Authority, 240 West 12th Street, Erie, PA 16501-1706, City of Erie, **Erie County**. The permit is modified to allow the permittee to extend its service area into McKean Borough and McKean Township in Erie County (the "McKean Project") and in Harborcreek and Greene Townships in Erie County (the Jordan to Koehler Water Main Extension Project).

Permit Issued: November 2, 2009

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: Located at 5576 White Church Road, Greene Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	1145 Garver Ln P. O. Box 215 Scotland, PA 17254	Franklin County

Plan Description: The Official Plan Revision, entitled Samuel L. Smith, DEP Code No. A3-28907-607-3s, proposing one new single family residential lot using a small flow treatment facility. The plan was disapproved because the proposal failed to include adequate geologic documentation to confirm that existing and proposed drinking water uses are protected and that effluent from the small flow treatment facility entering the dry stream channel will not create a public health hazard or nuisance.

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:

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

Laughlin Residence, 2042 Huntington Street, Bethlehem City, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, Marie L. Laughlin, 2042 Huntington Street, Bethlehem, PA 18017), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of leaking non-regulated underground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Express Times* on August 28, 2009. A Notice of Intent to Remediate was simultaneously submitted.

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

LWB Refractories Brick Plant Tank Farm, West Manchester Township, **York County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of LWB Refractories, 320 North Baker Road, York, PA 17408, submitted a Final Report concerning remediation of site soils contaminated with No. 4 fuel oil released from an aboveground storage tank system. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard. The property is an open pit quarry used for refractory brick manufacturing.

Interstate Container Facility, City of Reading, **Berks County**. Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Interstate Container, LLC, 100 Grace Street, P. O. Box 317, Reading, PA 19603, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with No. 4 and No. 6 fuel oil from underground storage tanks. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Supervalu Distribution Center, City of Harrisburg, **Dauphin County**. Property Solutions, Inc., 323 New Albany Road, Moorestown, NJ 08057 on behalf of KTR Capital Partners, LLC, Five Towers Bridge, Barr Harbor Drive, Suite 150, West Conshohocken, PA 19428, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with Inorganics, PAHs and VOCs. The report is intended to document remediation of the site to meet the Statewide Health (Residential and Nonresidential) and Site-Specific Standards.

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

Pecha Trucking I80 MM 110 Accident, Pine Township, **Clearfield County**. Taylor GEOSERVICES, 38 Bishop Hollow Rd., Suite 200, Newtown Square, PA 19073 on behalf of Pecha Trucking, North 15057 Hart Ave., Stanley, WI 54768 has submitted a Final Report within 90 days of the release 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.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Pangburn Seep (Former), Forward Township, **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 (on behalf of Bill Weir Reserve Coal Properties Company, 1800 Washington Road, Pittsburgh, PA 15241) has submitted a Remedial Investigation Report, Cleanup Plan and a Final Report concerning remediation of site soil and groundwater contaminated with inorganics and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Carnegie Tar & Asphalt, Oakmont Borough, **Allegheny County**. Raymond R. Orloski, KU Resources Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Bruce Corna, Kacin Companies, Inc., 3875 Old William Penn Highway, Murrysville, PA 15668) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with inorganics,

and chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

FMC Technologies, Inc., (Former), Homer City **Indiana County**. Paul M. Becks, Bureau Veritas North America, Inc., 520 South Main Street, Suite 2444, Akron, OH 44311 on behalf of David K. Miller, MWM Real Estate, LP, 111 Second Street, P. O. Box G, Brookville, PA 15825 and Steven Ward, Corporate Director, Environmental Health & Safety, FMC Technologies, Inc., 1803 Gears Road, Houston, TX 77067 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Rosedale Tract Koz & Lower Ore Yard Koz, Johnstown City, **Cambria County**. Joseph D'Andrea, L. Robert Kimball & Associates, Inc., 615 W. Highland Ave, Ebensburg, PA 15931 (on behalf of Deborah Walter, Johnstown Redevelopment Authority, 401 Washington Street, 4th Floor, Johnstown, PA 15901) has submitted a Remedial Investigation Report, and a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with inorganics and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The

baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Intersection of Route, 10 Gun Tree Road, Highland Township, **Chester County**. Jeffery Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, David McCorry, The Mack Services Group, P. O. Box 557, Berwyn, PA 19312 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 28, 2009.

Flats Redevelopments Site, City of Coatesville **Chester County**. Sharon Smith, Weston Solutions, Inc., 1403 Weston Way, Chester, PA 19380, E. Jean Krack, Redevelopment Authority of the City of Coatesville, One City Hall Palace, Coatesville, PA 19320 has submitted a Cleanup Plan concerning the remediation of site groundwater and soil contaminated with inorganics and organic compounds. The Cleanup Plan was approved by the Department of Environmental Protection on September 22, 2009

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

PMC—Dale & Frances Hughes Cancer Treatment Center, 231 East Brown Street, East Stroudsburg Borough, **Monroe County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, Pocono Medical Center, 206 East Brown Street, East Stroudsburg, PA 18301), concerning the remediation of soil found to have been impacted by off-road diesel fuel as a result of a release, which occurred from a vent pipe on an unregulated, backup generator day tank. The report documented attainment of the Statewide Health Standard for soils and was approved on October 27, 2009. The report was originally submitted within 90 days of the release.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Permit ID No. 301326, Lubriclear of Pittsburgh, L.P., Aladdin Road, Schenley, PA 15682. Permit renewal for a residual waste oil processing facility in Gilpin Township, **Armstrong County** issued by the Regional Office on November 4, 2009.

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); and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGR028-SC003. Glenn O. Hawbaker, Inc., 711 East College Avenue, Bellefonte, PA 16823. The Department of Environmental Protection (Department) has issued a Determination of Applicability under General Permit WMGR028 to York Building Product Company for the use of baghouse fines and scrubber pond precipitates for use as an aggregate in roadway construction, a soil additive, a soil conditioner, or a component or ingredient in the manufacturing of construction products. This Determination of Applicability was issued on November 4, 2009 and is for their #5 and #6 Milroy plants located at 155 Hotsteler Quarry Road, Milroy, PA 17063.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP3-63-00952: Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425) on October 26, 2009, authorized under GP3 to install and operate one (1) Chiefton 2400 vibratory screen and one (1) Metso/Nordberg LT-105 crusher at their 221 LNC Site facility in Buffalo Township, **Washington County**.

GP9-63-00952: Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425) on October 26, 2009, authorized under GP9 to install and operate one (1) Deutz BF6M2012C diesel engine and one (1) Caterpillar C9 diesel engine at their 221 LNC Site facility in Buffalo Township, **Washington County**.

GP5-65-00945A: Dominion Exploration & Production, Inc. (280 Indian Springs Rd, Ste 333, Indiana, PA

15701-3655) on November 6, 2009, authorized under GP5 to install and operate one (1) Caterpillar G3516 LE 1340-bhp compressor engine and one (1) NATCO 5GR-150KR40 .150mmBtu dehydrator at their Bell Point Compressor Station facility in Bell Township, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

GP3-61-217A: Bedrock Mines, L.P. (Georgetown Road, Nectarine, PA 16038) on November 3, 2009, to operate a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) at their facility in Irwin Township, **Venango County**.

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

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

ER-01-05002A: Masterbrand Cabinets, Inc. (P. O. Box 420, Jasper, IN 47547-0420) on November 3, 2009, for Emission Reduction Credit in Littlestown Borough, **Adams County**.

ER-22-05051B: The Hershey Co. (1025 Reese Avenue, Hershey, PA 17033) on November 2, 2009, for Emission Reduction Credit in Derry Township, **Dauphin County**.

67-03034A: B-Way Packaging (599 Davies Drive, York, PA 17402-8630) on October 29, 2009, for installation of a new aerosol can coat line in Springettsbury Township, **York County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

25-069N: BASF Catalysts, LLC (1729 East Avenue, Erie, PA 16503) on October 27, 2009, to operate a fluidized bed reactor, loading hopper and two dust collection systems to capture particulate matter at their facility in the City of Erie, **Erie County**. This is a State Only facility.

25-124D: Mayer Brothers Construction Co. (1902 Cherry Street, Erie, PA 16502) on November 3, 2009, to increase their existing hot mix asphalt plant's annual production limit from 100,000 tons to 250,000 tons of asphalt paving material at their facility in the City of Erie, **Erie County**. This is a State Only 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 Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0268: Colorcon, Inc. (415 Moyer Boulevard, West Point, PA 19486) on November 3, 2009, to operate a diesel fuel/#2 fuel oil-fired internal combustion engine/electric generator in Lower Salford Township, **Montgomery County**.

23-0016A: PQ Corp. (1201 West Front Street, Chester, PA 19013) on November 2, 2009, to operate low-Nox burners and a batch wetting system in City of Chester, **Delaware County**.

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

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

15-00017: Transcontinental Gas Pipeline Company, LLC. (60 Bacton Hill Road, Frazer, PA 19355) on November 5, 2009, for renewal of the original Title V Operating Permit issued on October 7, 2004, and no changes made since it was issued in East Whiteland Township, **Chester County**. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

65-00713: Greenridge Reclamation, LLC (232 Landfill Road, Scottdale, PA 15683-7762) on October 30, 2009, for continued operation of a municipal solid waste landfill, gas collection and control system, and soil processing system at their Greenridge Reclamation Landfill in East Huntingdon Township, **Westmoreland County**. The facility wide potential emissions of air contaminants are 50.32 tpy of NO_x, 25.79 tpy of SO_x, 32.81 tpy of VOCs, 16.38 tpy of PM₁₀ and 133.8 tpy of CO. The Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

20-00145: Pittsburgh Glass Works, LLC.—PGW (Kebert Industrial Park, Meadville, PA 16335) on November 2, 2009, to re-issue a Title V Permit to operate a flat glass manufacturing facility in Greenwood Township, **Crawford County**. The facility's major emission sources include Boilers 1, 2, 3, and 4, glass furnaces 1 & 2, Wareroom packers B & C, wareroom packers 1, 2, & 3, cullet drop 0 line 1, cullet drop 0 line 2, raw material transfer, check scale line 1, check scale line 2, wareroom packer A, ede L1 generator, ede L2 generator, ede boiler room, ede L1 mill water, ede L2 mill water, ede fire water pump, ede city water pump, surface passivation 1, surface passivation 2, raw material transfer, soda ash silo, soda silo (2), cullet silo (3), limestone silo, gypsum silo, dolomite silo, w system line 1, w system line 2, batch mixer line 1, batch mixer line 2, parts cleaner (safety kleen 77 gallons) and newly added soda ash handling system. PGW is a major facility due to NO_x and SO_x emissions more than 100 tons per year. The facility is not subject to CAM plan because the pre-controlled emissions were not exceeding Title V threshold limits.

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.

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

06-03047: Metropolitan Steel Industries, Inc. (601 Fritztown Road, Sinking Spring, PA 19608) on October 13, 2009, for their structural steel fabrication facility in Spring Township, **Berks County**. This is a renewal of the State-only operating permit.

21-03033: Lane Enterprises, Inc. (1244 Claremont Road, Carlisle, PA 17015-9742) on October 28, 2009, for their highway metal component production and repair facility in Middlesex Township, **Cumberland County**. This is a renewal of the State-only operating permit.

67-03007: Cooper Industries, Inc. (3990 East Market Street, York, PA 17402-2769) on October 29, 2009, for their production of steel chains in Springettsbury Township, **York County**. This is a renewal of the State-only operating permit.

67-03080: Herculite Products, Inc. (P. O. Box 435, Emigsville, PA 17318) on October 30, 2009, for their specialty fabrics manufacturing facility in Manchester Township, **York County**.

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

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

23-00014: Kimberly-Clark of Pa, LLC (Front St. and Ave of the Sates, Chester, PA 19013). On November 3, 2009, located at Front St. and Ave of the States, Chester City, **Delaware County**. The conditions of Title V Operating Permit were amended for T-10-4 Converting Area, Source ID 125D, with a Baghouse, Source Id C125D1, and a Scrubber, Source Id C125D2. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 23-0014F.

23-00024: Hanson Aggregate Pennsylvania, Inc. (523 West Forge Road, Glen Mills, PA 19342). On November 5, 2009 located in Middletown and Thornbury Townships, **Delaware County**. The Administrative Amendment incorporates the conditions of Plan Approval PA 23-0024D for operation of two dust collectors. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

10-00311: FB Leopold Co. (227 South Division Street, Zelenople, PA 16063-1313) on November 4, 2009, to revoke their Title V Operating Permit for operation of a fiberglass spray-up facility in the Borough of Zelenople,

Butler County. This operating permit was revoked because of a permanent shutdown of operations at the facility.

37-00261: Hickman Williams & Co. (8050 Rowan Road, Suite 401, Cranberry Twp., PA 16066) on November 4, 2009, to revoke their State Only Operating Permit for the Pittsburgh Carbon Products Division at 339 Industrial Park Drive in New Beaver Borough, **Lawrence County.** This operating permit was revoked because of a permanent shutdown of operations at the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

17031701 and NPDES Permit # PA0235504, Lady Jane Collieries, Inc., (2 North Ninth Street, Allentown, PA 18101), to renew the permit for the Horning Run Passive Treatment in Huston Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received: September 5, 2008. Permit issued: November 4, 2009.

32031301 and NPDES Permit # PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to add acres to the subsidence control plan area boundary. Subsidence Control Plan Acres Proposed 316.6. No additional discharges. Application received: May 29, 2009. Permit issued: November 4, 2009.

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

56890110 and NPDES No. PA0598551. 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 Shade Township, **Somerset County**, affecting 67.6 acres. Receiving stream(s): Whiskey Run to Dark Shade Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received: July 28, 2009. Permit issued: October 30, 2009.

56930114 and NPDES No. PA0212679. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit

renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 28.8 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 21, 2009. Permit issued: October 30, 2009.

56890102 and NPDES No. PA0598372. Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface and auger mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving stream(s): unnamed tributaries to/and Casselman River classified for the following use(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is Ohiopyle Borough Municipal Waterworks Youghiogheny River SWW. Application received: June 17, 2009. Permit issued: November 3, 2009.

56753119 and NPDES No. PA0606201. Jenners, Inc., P. O. Box 171, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving stream(s): unnamed tributaries to Quemahoning and Hoffman Creeks classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 16, 2009. Permit issued: November 3, 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 1166 acres. Receiving stream(s): unnamed tributaries to/and Little Mahoning Creek and unnamed tributary to Cush Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 11, 2009. Permit issued: November 5, 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 stream(s): Two Mile Run to Quemahoning Reservoir classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. Application received: September 14, 2009. Permit issued: November 5, 2009.

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

02090101 and NPDES Permit No. PA0251585. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger mining site located in Jefferson Hills Borough, **Allegheny County**, affecting 79.9 acres. Receiving streams: unnamed tributary to Monongahela River. Application received: March 16, 2009. Permit issued: November 5, 2009.

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

16940107 and NPDES Permit No. PA0226831. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Revision to an existing bituminous strip & beneficial use of coal ash operation to add coal refuse disposal in Perry Township, **Clarion County** affecting 217.0 acres. Receiving streams: Five unnamed tributaries to Cherry Run. Application received: September 3, 2009. Permit Issued: October 30, 2009.

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

17803108. SRP Coal Company, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for reclamation only of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 55.0 acres. Permit issued: October 23, 2009.

Noncoal Permits Actions

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

02850301. LaFarge North America, Inc. (5160 Main Street, Whitehall, PA 18052). Permit renewed for reclamation only of a large noncoal surface mine located in West Mifflin Borough, **Allegheny County**, affecting 68.2 acres. Receiving stream: Lewis Run. Application received: August 24, 2009. Reclamation-only renewal issued: October 29, 2009.

26092801. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Permit issued for commencement, operation, and reclamation of a small noncoal (slag processing) surface mining site located in Dunbar Township, **Fayette County**, affecting 6.4 acres. Receiving stream: Dunbar Creek. Application received: March 4, 2009. Permit issued: November 4, 2009.

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

62090301 and NPDES Permit No. PA0258750. I. A. Construction Corp. (158 Lindsay Road, Zelienople, PA 16063-2812) Commencement, operation and restoration of a large sand & gravel operation in Pittsfield Township, **Warren County** affecting 57.0 acres. Receiving streams: Brokenstraw Creek. Application received: February 13, 2009. Permit Issued: November 4, 2009.

1910-62090301-E-1. I. A. Construction Corp. (158 Lindsay Road, Zelienople, PA 16063-2812) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to Brokenstraw Creek in Pittsfield Township, **Warren County**. Receiving streams: Brokenstraw Creek. Application received: February 13, 2009. Permit Issued: November 4, 2009.

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

58092805. Ryan Ruark, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: August 20, 2009. Permit issued: November 2, 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

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

26094011. Demtech, Inc. (65 Bald Mountain Road, DuBois, WY 82513). Blasting activity permit for demolition of the coal conveyer crossing over Monongahela River, located in Luzerne Township, **Fayette County**. The duration of blasting is expected to be 2 months. Blasting activity permit issued: November 2, 2009.

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

15094109. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for New Garden Flying Field in New Garden Township, **Chester County** with an expiration date of October 31, 2010. Permit issued: October 30, 2009.

46094118. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for The Village at Valley Forge Development in Upper Merion Township, **Montgomery County** with an expiration date of October 31, 2010. Permit issued: October 30, 2009.

19094001. Stephen Seier, (1804 Tacoma Street, Allentown, PA 18109) and **ORICA USA,** (971 Mountain Road, Bloomsburg, PA 17815), construction blasting for Stephen Seier Cabin Foundation and Septic Trench in Sugarloaf Township, **Columbia County** with an expiration date of December 31, 2009. Permit issued: November 3, 2009.

09094107. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Highway/Road, SR Route 202 Phase 2, in Warrington Township, **Bucks County** with an expiration date of October 8, 2010. Permit issued: November 3, 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

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

E41-599. Hiawatha, Inc., 1500 West Third Street, Williamsport, PA 17701-7803. Water Obstruction and Encroachment Joint Permit, in the City of Williamsport, **Lycoming County**, ACOE Susquehanna River Basin District (City of Williamsport, PA Quadrangle N: 41° 13' 33.24"; W: 77° 02' 54.37").

To: construct and maintain a small addition to a park facility in the floodway of the West Branch of the Susquehanna River. The additions are being proposed to make the site ADA accessible and aid in the removal of the existing trailer each season. There will be approximately 380 square-feet of earth disturbance. The new ramp for ADA accessibility, the concrete pad for trailer removal and the retaining wall system proposed will add fill material. To balance the cuts and fills in the floodway, existing soil and landscaping will be removed. There will be no fill added to the floodway. All excavation material will be removed from the site and disposed of outside of the 100-year floodplain. This project is located 500-feet southwest of the intersection of Arch Street and Whitney Road, (City of Williamsport, PA Quadrangle N: 41° 13' 33.24"; W: 77° 02' 54.37") in the City of Williamsport, Lycoming County. This project proposes to have a minimal impact to the West Branch of Susquehanna River, which is designated a Warm Water Fishery, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E59-487. Seneca Resources Corporation, 51 Zents Boulevard, Brookeville, PA 15825-2701. Water Obstruction and Encroachment Joint Permit, Seneca Production Pipeline SRC-2 and SRC-4, in Covington and Richmond Townships, **Tioga County**, ACOE Baltimore District (Crooked Creek, PA Quadrangle N: 41° 44' 49.4"; W: 77° 9' 34.1").

To construct, operate, and maintain 1.57 miles of 6" and 0.56 miles of 8" natural gas pipeline within the Elk Run watershed (Cold Water Fishery—Wild Trout). Construction of the pipeline will require four (4) stream and three (3) wetland crossings that are as follows:

<i>Stream Name</i>	<i>Chapter 93 Designation</i>	<i>Latitude</i>	<i>Longitude</i>
~Wetlands~			
Unt. Elk Run	EV	41° 44' 36.72"	77° 09' 22.56"
Unt. Elk Run	EV	41° 45' 10.7"	77° 07' 28.52"
Unt. Elk Run	EV	41° 45' 48.99"	77° 07' 55.96"
~Streams~			
Unt. Elk Run	CWF	41° 44' 36.72"	77° 09' 22.56"
Unt. Elk Run	CWF	41° 45' 10.79"	77° 07' 32.18"
Elk Run	CWF	41° 45' 24.23"	77° 07' 43.96"
Elk Run	CWF	41° 45' 33.16"	77° 07' 47.72"

All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project temporarily impacts 0.038 acre of emergent wetland and 100 linear feet of stream. The project is centered along SR 2020 approximately 2.2 miles west of the village of Covington in (Crooked Creek, PA Quadrangle N: 41° 44' 49.4"; W: 77° 9' 34.1") Covington and Richmond Townships, Tioga County.

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

E63-615. Kriebel Minerals, Inc., P. O. Box 765, Clarion, PA 16214. To construct two culverts in Deemston Borough, **Washington County**, Pittsburgh ACOE District (Ellsworth, PA Quadrangle N: 4.45 inches; W: 2.15 inches, Latitude: 40° 01' 28"; Longitude: 80° 00' 55"). To construct and maintain two culverts each approximately 26-feet long, one 48-inch and one 36-inch diameter corrugated steel pipes in Fishpot Run (WWF) with inverts depressed 1 foot below the channel bed under a proposed access road to a gas well. There will be a dip on the road to convey the flows in excess of the structure's capacity.

ENVIRONMENTAL ASSESSMENTS

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

EA56-007. National Park Service, 109 West Main Street, Suite 104, Somerset, PA 15501. To construct Phase 1A of the Flight 98 National Memorial in Stonycreek Township, **Somerset County**, Pittsburgh ACOE District. To:

1. place and maintain fill, to construct and maintain a road with multiple pipes (18" or 30" minimum diameter) and to construct and maintain a boardwalk in 1.79 acres of wetland (PEM/POW),
2. place and maintain fill in 0.2 acre of open water,
3. remove 0.09 acre of wetland through the modification of an existing pond, and
4. place and maintain fill in approximately 521 feet of an unnamed tributary within the Grove Run watershed (CWF),

for the purpose of constructing Phase 1A of the Flight 93 National Memorial. In addition, 2.09 acres of wetland (PEM/POW) will be temporarily impacted from the construction of a cofferdam and causeway, and 2.36 acres of open water will be temporarily dewatered, during the construction of the memorial. The project is located off of Skyline Road, approximately 1.2 miles southeast of this roadway's intersection with Lambertsville Road, in Stonycreek Township, Somerset County. To compensate for the permanent impacts, 2.55 acres of replacement wetland, 0.2 acre of open water and 1,314 feet of channel will be constructed. If successfully created, the additional wetland replacement acreage of approximately 0.67 acre will be utilized to compensate for potential impacts that may result from the construction of future phases of the memorial (Stoystown, PA Quadrangle N: 9.5"; W: 4.2", Latitude: 40° 3' 8"; Longitude: 78° 54' 16").

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

D10-069EA. Sumner McDanel, 103 Hicks Rd., Renfrew, PA 16053. City of Butler, **Butler County**, ACOE Pittsburgh District.

Project proposes to breach and remove Collapsible Butler Dam across Connoquenessing Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 feet of stream channel. The dam is located approximately 800 feet south of the intersection of East Wayne Street (SR 356) and William Flynn Highway (SR 8) (Butler, PA Quadrangle Latitude: 40° 51' 18"; Longitude: -79° 53' 42").

D06-149EA. Richard and Bethann Witman, 237 Stitzer Road, Oley, PA 19546-8727. Oley Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove an unnamed dam across Furnace Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 1,000 feet southeast of the intersection of Oley Furnace Road (T594) and Stitzer Road (T583) (Fleetwood, PA Quadrangle Latitude: 40° 24' 23"; Longitude: -75° 47' 19").

EA63-004CO. Don Blackert, 485 Horner Run Road, Amity, PA 15311. Amwell Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a nonjurisdictional dam across a tributary to Horne Run (TSF) at a point approximately 3,300 feet southwest of the intersection of

Horne Run Road and SR 19 (Amity, PA Quadrangle Latitude: 40° 04' 19"; Longitude: -80° 12' 51"). The proposed dam will fill 60 lineal feet of intermittent stream channel and inundate 350 lineal feet of intermittent stream channel.

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.

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

ESCGP-1 #	ESX09-081-0012
Applicant Name	Chief Oil & Gas
Contact Person	Michael Hritz
Address	6051 Wallace Road Ext., Suite 210
City, State, Zip	Wexford, PA 15090
County	Lycoming
Township(s)	Penn
Receiving Stream(s) and Classification(s)	Beaver Run
ESCGP-1 #	ESX09-015-0041
Applicant Name	Southwestern Energy Production Company
Contact Person	Scott Van Hook
Address	2530 N Sam Houston Parkway West, Suite 125
City, State, Zip	Houston, TX 77032
County	Bradford
Township(s)	Herrick Twp.
Receiving Stream(s) and Classification(s)	UNT to Cold Creek/Wyalusing Creek

ESCGP-1 # ESX09-027-0003
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Mr. Frank Davis
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Centre
 Township(s) Boggs Twp.
 Receiving Stream(s) and Classification(s) UNT Council Run; Beech Creek

ESCGP-1 # ESX09-035-0004
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Mr. Frank Davis
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Clinton
 Township(s) Grugan Twp.
 Receiving Stream(s) and Classification(s) Cold Fork, Eagleton Run, Baker Run

ESCGP-1 # 18-09-802
 Applicant Name Anadarko E&P Company, LP
 Contact Person Ms. Bertha Nefe
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Clinton
 Township(s) Beech Creek Twp.
 Receiving Stream(s) and Classification(s) Smoke House Run, Baker Run

ESCGP-1 # ESX09-115-0008
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1ST Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Auburn Twp.
 Receiving Stream(s) and Classification(s) UNT of Tuscarora Creek

ESCGP-1 # 58-09-804
 Applicant Name EXCO-North Coast Energy, Inc.
 Contact Person Joel Heiser
 Address One GOJO Plaza, Suite 325
 City, State, Zip Akron, OH 44311-1057
 County Susquehanna
 Township(s) Clifford Twp.
 Receiving Stream(s) and Classification(s) Idlewild Creek to East Branch Tunkhannock Creek
 UNT to East Branch Tunkhannock Creek

ESCGP-1 # ESX09-015-049
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1ST Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Monroe Twp.
 Receiving Stream(s) and Classification(s) UNT to South Branch, South Branch

ESCGP-1 # ESX09-069-0007
 Applicant Name EXCO-North Coast Energy, Inc.
 Contact Person Joel Heiser
 Address One GOJO Plaza, Suite 325
 City, State, Zip Akron, OH 44311-1057
 County Lackawanna
 Township(s) Scott Twp.
 Receiving Stream(s) and Classification(s) South Branch Tunkannock Creek

ESCGP-1 # ESX09-117-0017
 Applicant Name Seneca Resources Corp.
 Contact Person Doug Kepler
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Tioga
 Township(s) Bloss Twp.
 Receiving Stream(s) and Classification(s) Johnson Creek

SPECIAL NOTICES

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

A. W. Long Coal Company, GFCC No. 17-08-18, Sullivan Operation, Morris Township, **Clearfield County** (Emigh Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to A. W. Long Coal Company that will result in the reclamation of approximately 15.0 acres of abandoned mine land, the reclamation of 1,700-feet of abandoned highwall and the daylighting and reclamation of 5.8 acres of abandoned deep mines. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area. A total of 145 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$61,600 which will be done at no cost to the Commonwealth. The site is located just northwest of Hawk Run on lands formerly mined and subsequently abandoned by Thompson Coal Company in the early 1960's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site. An NPDES permit (PA-0257125) has also been approved for the site.

[Pa.B. Doc. No. 09-2152. Filed for public inspection November 20, 2009, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program

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

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

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

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the credit or offset proposal must be approved; (2) it must be verified; and (3) it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called “offsets”). Certifications are based on at least: (1) a credit or offset proposal to be submitted

describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this Notice apply to the Chesapeake Bay Watershed.

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

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

The Department has received 78 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 55 have been approved, one has been withdrawn and the remaining need additional clarification prior to certification.

Proposals under Review

There are no new proposals.

Certifications:

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>	<i>Sediment Reductions</i>
1. Lancaster County Conservation District: Nitrogen credits generated by the implementation of no-till and cover crops.	615		
2. Capital RC&D: Nitrogen credits generated by implementation of no-till in Bedford County.	11,656		
3. Capital RC&D: Nitrogen credits generated by implementation of no-till in Bradford County.	3,271	42	3
4. Lycoming County Conservation District: Nitrogen credits generated from the implementation of precision grazing, off-stream watering, stream bank fencing, off-stream watering without fencing, horse pasture management and a riparian forest buffer by Client MucMoT0001.	845		
5. American Farmland Trust: Nitrogen credits generated through the BMP Challenge for Planned Nutrient Reduction Project by Client PA09-002.	435		
6. American Farmland Trust: Nitrogen credits generated through the BMP Challenge for Planned Nutrient Reduction Project by Client PA09-003.	85		
7. American Farmland Trust: Nitrogen credits generated through the BMP Challenge for Planned Nutrient Reduction Project by Client PA09-004.	437		

Verifications and Registrations:

To date, there are no verifications and registrations.

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

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-2153. Filed for public inspection November 20, 2009, 9:00 a.m.]

Pennsylvania's Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Friday, December 18, 2009, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Thomas C. Bell at (717) 783-8411 or e-mail at tbell@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-2154. Filed for public inspection November 20, 2009, 9:00 a.m.]

Statewide Water Resources Committee; Meeting Location Change

The December 10, 2009, meeting of the Statewide Water Resources Committee, previously scheduled for the Department of Environmental Protection (Department) Southcentral Regional Office in Harrisburg, will now convene at Harrisburg University's Board Room, 14th Floor, 326 Market Street, Harrisburg, PA 17101, beginning at 9:30 a.m.

Questions concerning the meeting can be directed to Lori Mohr, (717) 787-4628 or e-mail to laumohr@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department's web site at <http://www.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 the Department at (717) 783-6118 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. 09-2155. Filed for public inspection November 20, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

List of Behavioral Health Managed Care Organizations

The Department of Public Welfare (Department) maintains an ongoing list of qualified behavioral health managed care organizations (BH-MCOs) as potential contractors for the HealthChoices Behavioral Health Program (HCBHP), a mandatory managed care program for Medicaid recipients in this Commonwealth. New submissions are currently being requested from managed care organizations (MCOs) which are not currently on the list. The development of this list was introduced at 31 Pa.B. 888 (February 10, 2001) as the first step in a two-step process for obtaining a behavioral health contractor, should the need arise.

Additional information about HCBHP is available at the Department's web site: <http://www.dpw.state.pa.us/PartnersProviders/MentalHealthSubstanceAbuse/003680389.htm>.

The list of qualified BH-MCOs would be utilized in the following circumstances:

- Contract negotiations with a potential contractor selected through a Request for Proposal (RFP) process fail.
- A potential contractor selected through the RFP process fails the Readiness Review.
- An existing contractor terminates the contract or is terminated by the Department.

As stated at 31 Pa.B. 888, the qualified BH-MCO list will be opened periodically to new submissions. MCOs selected for the list of qualified bidders will remain active on the list for at least 5 years. Qualified MCOs will be periodically required to resubmit information for consideration to remain on the list.

The following is a list of requirements necessary to qualify as a potential HCBHP contractor:

- Experience with a State Behavioral Health Medicaid Program.
- Not currently under suspension or debarment by the Commonwealth or any other state or Federal Government.
- Licensed by the Departments of Health and Insurance of this Commonwealth.
- Management Information System (MIS) experience in processing HIPAA compliant 837 files.

To apply as a potential HCBHP contractor, submit a letter of interest on official corporate letterhead, as well as the required deliverables detailed, by December 21, 2009, to Mike Root, Office of Mental Health and Substance Abuse Services, Room 238, Beechmont Building, DGS Annex Complex, Harrisburg, PA 17110. You may also fax this request to (717) 772-7964.

List of Deliverables:

1. Describe any experience in providing services to Medicaid recipients, including:

- Type of behavioral health (mental health and drug and alcohol) services covered.

- Description of all categories of aid and populations covered.

- Number of years experience with Medicaid programs.

2. Provide a report detailing the number of claims processed (for Medicaid population) in the most recent 6-month period, including timeliness of processing clean claims and the number of claims paid/rejected.

3. Provide a flow chart of the MIS.

4. Provide verification of capacity to submit HIPAA compliant 837 files.

5. Provide a copy of current licenses from both the Departments of Health and Insurance of this Commonwealth.

6. Provide a copy of the most recent audited, annual filing with the State Insurance Department.

7. Provide a copy of the most recent audited, annual company financial statement.

8. Outline a plan to start up or expand (if currently operating in this Commonwealth) operations in this Commonwealth.

9. Provide the name, address and phone number of three references familiar with the MCO's operations. (Must provide one reference from a State Medicaid program.)

Department staff will verify the information submitted by the MCOs. As part of the verification process, the Department may conduct an onsite visit. Each MCO will be notified of its qualification status.

The following process is outlined in the event that the list is utilized to obtain a contractor. The Department will:

- Contact the vendors on the list and verify their continued interest in obtaining a HCBHP contract.

- Inform the vendors of the county or counties requiring a BH-MCO contractor.

- Release a procurement document to the interested vendors on the list containing the HCBHP requirements along with instructions on how to submit a bid.

- Evaluate all responses to the procurement document and select a contractor.

Questions should be directed to Ray Klabe, Office of Mental Health and Substance Abuse Services, Room 241, Beechmont Building, DGS Annex Complex, Harrisburg, PA 17110, (717) 772-7928, fax: (717) 772-7964.

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

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 09-2156. Filed for public inspection November 20, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Aviation; Availability of Local Real Estate Tax Reimbursement Grants for Taxes paid in 2009

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2009.

Each year, under Subchapter B of the Aviation Code (74 Pa.C.S. §§ 6121, 6122, 6123 and 6124) and 67 Pa. Code Chapter 477, the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in Section 5102 of the Aviation Code (74 Pa.C.S. § 5102). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for one additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2009, is the close of business on February 2, 2010. Applications shall be filed with the Department of Transportation, Bureau of Aviation using dotGrants, the Department's new web based grants administration program. For more detailed information, review the information on their web site at www.dot.state.pa.us.

Interested persons may direct their request for online participation, inquiries or comments regarding the local real estate tax reimbursement program to Karen Heath, Eastern Region at (717) 705-1205 or Dorie Tibbens, Western Region at (717) 705-1222.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-2157. Filed for public inspection November 20, 2009, 9:00 a.m.]

GOVERNOR'S OFFICE OF HEALTH CARE REFORM

Pennsylvania Health Information Exchange Proposed Strategic Plan

On behalf of Governor Edward G. Rendell, Ann Torregrossa, Director of the Governor's Office of Health Care Reform (GOHCR), announces that the proposed strategic plan for the Pennsylvania Health Information Exchange (PHIX) is available for a 30-day public comment period, beginning November 21, 2009. A copy of the proposed plan can be accessed at: www.gohcr.state.pa.us/assets/pdfs/PHIXstrategicplan_draft.pdf.

Increased use of health information technology as a means to improve the quality, safety and efficiency of health care is a key objective of both *Prescription for Pennsylvania*, the Governor's blueprint for health care reform, and recently announced Federal information technology stimulus funding opportunities. To accomplish this in this Commonwealth, the GOHCR is issuing a draft strategic plan for the Pennsylvania Health Information Exchange, or PHIX.

The vision for PHIX is to strengthen Pennsylvania's health care system through timely, secure and authorized exchange of health information among patients and their health care providers. Health information exchange through PHIX will support patient-centered health care and continuous improvements in access, quality, outcomes and efficiency of care. GOHCR is seeking input on the strategic plan and more specifically, the recommendations regarding PHIX governance and financing and consumer ability to opt-in or out of PHIX.

Interested persons may submit written comments on the PHIX Proposed Strategic Plan by December 20, 2009. GOHCR will accept comments by e-mail, which should be submitted to RA-PHIXStrategicPlan@state.pa.us. A return name and address must be included in each e-mail submission, also specify the specific section or subsection the comment corresponds to in the draft plan if possible.

Persons in need of accommodations as provided for the Americans With Disabilities Act of 1990 should e-mail the previously listed e-mail address with contact information and a GOHCR representative will contact them to discuss how GOHCR may accommodate their needs.

ANN S. TORREGROSSA, Esq.,
Director

[Pa.B. Doc. No. 09-2158. Filed for public inspection November 20, 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, November 5, 2009, and announced the following:

Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective November 4, 2009:

Pennsylvania Gaming Control Board #125-104: Employee Revisions and Pennsylvania Race Horse Development Fund (amends 58 Pa. Code §§ 401a.3, 435a.1, 441a.18, 441a.19 and 441a.22)

Action Taken—Regulations Approved:

Environmental Quality Board #7-432: Administration of the Storage Tank and Spill Prevention Program (amends 25 Pa. Code Chapter 245)

Environmental Quality Board #7-439: Safe Drinking Water Amendments (Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) and Groundwater Rule (GWR)) (amends 25 Pa. Code Chapter 109)

State Board of Pharmacy #16A-5420: Pharmacist Breaks (amends 49 Pa. Code Chapter 27)

State Board of Dentistry #16A-4617: Dental Hygiene Scope of Practice; Local Anesthesia (amends 49 Pa. Code Chapter 33)

State Board of Nursing #16A-5124: Certified Registered Nurse Practitioners; General Provisions (amends 49 Pa. Code Chapter 21)

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 22, 2009, and announced the following:

Action Taken—Regulation Disapproved:

State Board of Funeral Directors #16A-4815: Preneed Funeral Arrangements (amends 49 Pa. Code by amending §§ 13.1 and 13.224—13.226, and adding §§ 13.227—13.229)

Approval Order

Public Meeting held
November 5, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

Environmental Quality Board—Administration of the Storage Tank and Spill Prevention Program; Regulation No. 7-432 (#2753)

On February 27, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 245. The proposed regulation was published in the March 14, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 2, 2009.

This final-form regulation establishes new underground storage tank operator training requirements.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 6021.106) 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
November 5, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

Environmental Quality Board—Safe Drinking Water Amendments (Stage 2 Disinfectants and Disinfection Byproducts Rule, Long Term 2 Enhanced Surface Water Treatment Rule, and Groundwater Rule); Regulation No. 7-439 (#2797)

On November 19 and 24, 2008, the Independent Regulatory Review Commission (Commission) received three proposed regulations from the Environmental Quality Board (Board). The three proposed regulations are now combined into this one rulemaking, which amends 25 Pa. Code Chapter 109. The proposed regulations were published in the *Pennsylvania Bulletin* on November 29 and December 20, 2008, each with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 2, 2009.

This regulation includes amendments to the existing "Safe Drinking Water" program that were originally published as three proposed rulemakings: #7-425 (#2734), #7-426 (#2735) and #7-437 (#2736). The final rulemaking incorporates Federal provisions necessary for the Commonwealth to retain primary authority to enforce drinking water quality standards and requirements.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 721.4, and 71 P. S. §§ 510-17 and 510-20) 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
November 5, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Board of Pharmacy—
Pharmacist Breaks;
Regulation No. 16A-5420 (#2663)*

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code Chapter 27. The proposed regulation was published in the January 19, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 28, 2009.

This regulation amends the Board's rules pertaining to pharmacist breaks. It allows a sole pharmacist on duty to take up to a 30-minute break while remaining in the immediate building.

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

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 5, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Board of Dentistry—Dental Hygiene
Scope of Practice; Local Anesthesia;
Regulation No. 16A-4617 (#2720)*

On August 18, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code Chapter 33. The proposed regulation was published in the August 30, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 28, 2009.

This regulation implements Act 51 of 2007 by establishing a new class of practitioners called public health dental hygiene practitioners. It also revises the scope of practice for dental hygienists, including the addition of the administration of local anesthesia. Finally, it revises the supervision requirements for dental hygienists.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 122(d), (j.2) and (o)) 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
November 5, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Board of Nursing—Certified Registered
Nurse Practitioners; General Provisions;
Regulation No. 16A-5124 (#2729)*

On October 24, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code Chapter 21. The proposed regulation was published in the November 8, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2009.

This final-form rulemaking revises existing regulations to make them consistent with Act 206 of 2002 and Act 48 of 2007.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 212.1(k)) 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.

Disapproval Order

Public Meeting held
October 22, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Funeral Directors—
Prened Funeral Arrangements;
Regulation No. 16A-4815 (#2627)*

On August 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking amends 49 Pa. Code by amending §§ 13.1 and 13.224—13.226, and adding §§ 13.227—13.229. The proposed regulation was published in the August 25, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2009.

This regulation represents a significant revision of existing provisions governing “preneed” arrangements. It creates new recordkeeping and notice requirements for funeral entities involved in preneed arrangements. Major components of this regulation are the Board’s response to the Commonwealth Court decision in *Bean v. Department of State, State Board of Funeral Directors*, 855 A.2d 148 (2004) (*Bean*). In this case, the court held that the Board had improperly determined that the Funeral Director Law (Law) and the Board’s existing regulations allowed customers to rescind irrevocable preneed contracts and transfer the preneed funds to a different funeral business. Through this regulation, the Board seeks to codify its policy that preneed contracts should always allow the customer to transfer the preneed funds or account from one funeral business to a different one.

In determining whether a regulation is in the public interest, the Commission is directed by the Regulatory Review Act (Act) to consider criteria set forth in eight separate categories. See 71 P. S. § 745.5b. Based on these criteria, there are several concerns and objections to this regulation that are the reasons for our unanimous vote to disapprove this regulation.

Consistency or possible conflict with the statute (71 P. S. § 745.5b(b)(3)(ii))

In our comments on the proposed version of this regulation dated October 24, 2007, we questioned the consistency of this regulation with Section 13(c) of the Law (63 P. S. § 479.13(c)) which states:

... If any such licensed funeral entity shall accept any money for such contracts, he shall, forthwith, either deposit the same in an escrow account in, or transfer the same in trust to, a banking institution in this Commonwealth, conditioned upon its **withdrawal or disbursement only for the purposes for which such money was accepted**. ... (Emphasis added.)

The Board responded with the following statements on page six of the Preamble:

... IRRC also questioned whether this provision is consistent with section 13(c) of the act that requires a funeral director to condition acceptance of preneed funds upon “withdrawal or disbursement only for the purpose for which such money was accepted.” Because the regulation authorizes only the transfer of the funds to another funeral director, those funds will be withdrawn or disbursed only for the provision of funeral services and incidental goods, i.e., the purposes for which the money was initially accepted.

We find that these statements are inconsistent with the language in the regulation. These purposes were set forth in the original preneed contract but nothing in the regulation places any restraints on subsequent contracts. Therefore, it remains unclear how the final-form regulation is consistent with the Law since none of its provisions guarantee that the money will be used for the purposes for which it was accepted.

The Court in the *Bean* case noted that the Board’s position that a customer may revoke a contract with a funeral business at any time and have preneed funds transferred to another funeral business was based on the Board’s interpretation of Section 13(c) of the Law. The Court further observed: “The only section in the Funeral Director Law pertaining to pre-need agreements is Section 13(c) which does not address whether irrevocable pre-need agreements may be rescinded.” See 855 A.2d at 154. Therefore, the origin of the Board’s position remains unclear.

The Board needs to provide a detailed explanation of its interpretation of the statute and how the Law calls for revocability or transferability in contracts but simultaneously maintains and preserves the funds as irrevocable.

Need for the regulation (71 P. S. § 745.5b(b)(3)(iii))

Our comments on the proposed rulemaking noted that the Board has the statutory authority under Section 16(a) of the Law (63 P. S. § 479.16(a)) to “formulate necessary rules and regulations” that are “deemed necessary . . . to safeguard the interests of the public and the standards of the profession.” We stated that “the Board should explain the need for this regulation, and how it will protect consumers.”

The Board did not respond to this comment in the Preamble submitted with the final-form regulation. At our public meeting on October 22, 2009, the Board’s counsels stated that they are aware of only a handful of consumers per year who express interest in transferring or revoking their preneed contracts. The Board has not provided any documentation or evidence of any significant harm that would be addressed by this final-form regulation. Since the Board is unable to document the need for this regulation or how it protects consumers by addressing a significant harm or problem, we determine that this regulation is not in the public interest under Section 5.2(b)(3)(iii) of the Act.

Compliance with the provisions of the Act or the regulations of the Commission (71 P. S. § 745.5b(b)(6))

Section 5.1(a) of the Act (71 P.S. § 745.5a(a)) requires agencies to respond to the comments received on their proposed regulations. We raised numerous concerns regarding the proposed version of this regulation in our comments dated October 24, 2007. We identified critical questions and problems regarding the transfer clause in Section 13.228 as well as other provisions. Our comments

were based on criteria relating to fiscal impact, reasonableness, feasibility, need, implementation procedure, clarity and consistency with the statute. See 71 P. S. § 745.5b(b)(1) and (3). The documents submitted by the Board with this final-form regulation on September 21, 2009, did not contain responses to many of the comments submitted by commentators including this Commission. The lack of substantive responses to comments filed on the proposed version of this regulation represents a failure to comply with the requirements of the Act and is a basis for disapproving the regulation pursuant to Section 5.2(b)(6) of the Act. We find that the Preamble to the final-form regulation did not address all the comments issued by commentators including this Commission.

Fiscal impact, protection of the public health, safety and welfare, reasonableness, feasibility (71 P. S. §§ 745.5b (b)(1), (2) and (3))

Our comments on the regulation questioned how preneed funds would be protected from classification as an asset for the purposes of eligibility for Social Security or Medical Assistance programs. This issue was raised both in written comments and at our public meeting by the Disability Rights Network (DRN) and the Pennsylvania Association of Resources for Autism and Intellectual Disabilities (PAR). Bureau of Professional and Occupational Affairs (BPOA) Commissioner Basil L. Merenda submitted a letter, dated on October 19, 2009, to the Commission responding to these concerns.

The BPOA letter quoted the Office of Chief Counsel of the Department of Public Welfare (DPW) as indicating that “there is no requirement that an individual be contractually bound to one funeral establishment” and noting that individuals could “establish an irrevocable burial reserve with a bank or other financial institution.” The Board’s counsel at our public meeting reiterated this response by stating that a customer could go with an attorney to a local bank and set up an irrevocable burial trust.

At our public meeting, representatives of DRN and PAR reported that persons with disabilities, who depend upon public assistance, often are not able to hire attorneys and negotiate with financial institutions to set up their own irrevocable reserves, accounts or trusts. Currently, they rely on preneed contracts with funeral directors to provide “irrevocable” funding sources. If they enter into a preneed contract under this regulation, it could negatively affect their eligibility for public assistance. Therefore, this regulation may pose a threat to both access and continuity of care that maintains public health, safety and welfare, and it could cause financial hardships for this population.

Furthermore, this regulation and Law (63 P. S. § 479.13(c)) only address situations where a funeral director or entity accepts money from a customer. It is the seller who deposits or transfers the money not the customer. Nothing in this regulation or the Law discusses consumers establishing their own “irrevocable” burial reserves or trusts. In fact, the term “irrevocable” is never used in the regulation. Therefore, we find that the regulation is not clear or reasonable in that it neither addresses nor ensures that the funds can be classified as irrevocable for purposes of Social Security or Medical Assistance programs.

Transfer of funds and new contracts—Clarity and lack of ambiguity, implementation procedure (71 P. S. §§ 745.5b(b)(3)(ii) and (iv))

Our comments identified the following issues relating to transfer of funds:

The provisions of this section [§ 13.228] are very clear that the current funeral entity must transfer all the preneed funds, interest and earnings to the new funeral entity as requested by the customer. However, there is nothing that directs the actions of the new entity or what it may do with the funds. Nothing in the proposed regulation requires that the new funeral entity honor the terms and conditions of the original contract or that it use all the preneed funds, interest and earnings for funeral services. For example, what would prevent the new funeral entity from giving a portion of the funds to the customer and reducing the list of services? The Board should clarify how the new funeral entity must treat the original contract and the funds.

Section 13.228 remains unchanged from the proposed version. Nothing in the regulation would prevent a new funeral director from agreeing via a new contract to provide a lower price with a partial refund to the customer. There may be a contention that will not happen since another provision in this regulation (Section 13.224(a)) requires funeral directors to deposit in escrow or transfer in trust to a banking institution all preneed funds including accumulated interest or earnings. However, it is unclear how this provision would prevent a refund at a later date. If the intent was to require that all the transferred money be used strictly for goods and services, it is not reflected in the language of the regulation and there is no indication of how it would be enforced.

The fact that this regulation limits consumers to revocable contracts can cause other problems. If a customer with a preneed contract becomes incapacitated before death and power of attorney (POA) is given to a relative or other person. Nothing in this regulation would prevent the person with POA from negotiating a new preneed contract with a new funeral business for the incapacitated customer regardless of the customer’s preferences and original intent.

Another problem found relates to the fact that the Court in *Bean* documented that a preneed contract form, approved by the Board, contained a clause that allowed the customer to cancel the contract within three business days of signing. Such a clause in subsequent contracts would allow the customer to gain access to the preneed funds and this undermines the irrevocable status of the funds or any assurance that the preneed funds will be used only for the purposes for which the money was initially accepted.

The Board responded to our comments with the following statements in the Preamble:

... Because § 13.228 requires that the contract expressly allow the customer to transfer the **contract and funds** to another funeral entity, but does not require that the customer be permitted to rescind or cancel or revoke the agreement and have the funds returned to the customer, the funds will remain irrevocably placed with a funeral director for purposes of those programs.

... In this rulemaking, the Board does not intend to provide that any customer may **revoke, rescind or cancel a preneed agreement at will**. The Board intends only that a customer who has entered into a preneed contract must be able to transfer that preneed account to another funeral entity to perform the services and provide the funeral merchandise. (Emphasis added.)

We find there is no consistency between these statements and the regulation. Nothing in the regulation addresses the transfer of contracts. It would not stop a customer from revoking, rescinding or canceling the original contract, and negotiating a new one with the new funeral business receiving the transferred preneed funds. The Board needs to respond to these questions and concerns with revisions to the Preamble. In addition, the Board must clearly and consistently establish its intent in both the Preamble and regulation.

Contract options—Feasibility, reasonableness (71 P. S. § 745.5b(b)(3))

On page five of our comments, we noted that “the *Bean* decision reported that Board-approved contract forms allowed customers to select an irrevocable or revocable contract.” This system allowed customers to select either option. We concluded that “the Board should investigate a variety of options to allow for portability when needed while also guaranteeing irrevocability of the funds and terms in the contract.” The Board did not respond to this comment in the preamble to the final-form regulation. At our public meeting, the Board’s counsels suggested that providing different options would be confusing for customers. We disagree.

Revising the regulation to include both irrevocable and revocable contracts could address many of the objections to the final-form regulation. We note that if the Board amends the regulation to provide several contract options, it will need to ensure that other portions of the rulemaking are consistent with the amended contract options.

Fiscal impact, adverse effects on prices of goods and services (71 P. S. § 745.5b(b)(1)(ii))

We share commentators’ concerns that this final-form regulation, as currently written, will increase the costs of preneed contracts for both funeral directors and consumers. Both consumers and licensees have indicated that the costs are lower when the preneed contract is irrevocable because the funeral entity may place the funds in accounts for longer terms with the potential for greater return and increased earnings rather than being required to have the funds continually and readily available for transfer to another licensee as requested by the customer. In addition, representatives for DRN and PAR are concerned that funeral directors may discontinue offering preneed arrangements to people on public assistance since this regulation will increase the costs of engaging in the preneed business. The Board should fully examine and explain the fiscal impacts of all the provisions in this regulation on both funeral directors (or entities) and customers and explain why the imposed costs are necessary.

Merchandise from other vendors—Clarity, reasonableness (71 P. S. § 745.5b(b)(3))

Section 13.227(c) provides: “A preneed funeral contract may not incorporate a contract for funeral merchandise

entered into by a person or entity other than a funeral director.” We understand that the Board believes this language is necessary to prevent its licensees from utilizing the different trusting provisions in the Future Interment Act. However, we are concerned that some licensees may use this subsection to tell customers that they cannot make provisions for the use of merchandise from other suppliers in their contracts. The regulation should include a clarification that nothing in the regulation prevents the funeral entity or director from including provisions for the use of merchandise from other vendors and suppliers that may not be necessarily tied to the funeral director or entity.

Policy decision requiring legislative review (71 P. S. § 745.5b(b)(4))

Given the extensive concerns and questions generated by this rulemaking and the interests expressed by four legislators, this regulation may represent a policy decision of such a substantial nature that it requires a legislative review. The Board should give strong consideration to withdrawing this regulation and proceeding to develop new legislation. We recommend the Board work with all licensees, affected parties and legislators on new legislation to provide competent regulation of preneed activities, keep costs reasonable, and safeguard the public.

There is another final-form regulation related to preneed activities (Regulation #16A-4816 (#2639)) that is currently scheduled for consideration by this Commission in the next few weeks. It may be advisable for the Board to consider the possibility of also withdrawing Regulation #16A-4816 (#2639) and/or consolidating it with this regulation, to address the First Amendment concerns raised in the case of *Walker v. Flitton*, 364 F.Supp.2d 503 (M.D. Pa. 2005), as well as the need for new legislation.

Therefore, based upon the information presented to us and after considering the criteria of the Regulatory Review Act discussed above, we find that promulgation of this regulation is not in the public interest.

By Order of the Commission:

The regulation #16A-4815 (IRRC #2627) from the State Board of Funeral Directors was disapproved on October 22, 2009.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-2159. Filed for public inspection November 20, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, <http://www.irrc.state.pa.us>.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-105	Pennsylvania Gaming Control Board Jackpot and Credit Meter Payouts	11/5/09	12/17/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-2160. Filed for public inspection November 20, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Children's Health Insurance Program Advisory Council Meeting

The Insurance Department (Department) has scheduled a meeting of the Children's Health Insurance Program Advisory Council (Council) on Thursday, December 17, 2009, at 1:30 p.m. at the Crowne Plaza Harrisburg Hotel, Ballroom ABC, at 23 South 2nd Street, Harrisburg, PA 17101. The Children's Health Care Act (40 P.S. §§ 991.2301—991.2361) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Kirk Montrose, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120 or (717) 214-4781, at least 24 hours in advance so that arrangements can be made.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-2161. Filed for public inspection November 20, 2009, 9:00 a.m.]

Office Closing; Notice 2009-10

The Insurance Department's Pittsburgh Regional Office, located at Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 will be closed, effective November 20, 2009. All notices of refusal to write, cancellations and/or refusals to renew, under 40 P.S. § 991.2008 or 40 P.S. § 1171.5(a)(9) should reflect the following address, Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120, fax: (717) 787-8585, as soon as possible, but no later than June 30, 2010.

Questions or comments regarding this notice may be directed to Peter J. Salvatore, Administrative Officer, Bureau of Administration, 1326 Strawberry Square, Harrisburg PA 17120, (717) 787-4429. Questions or comments may also be sent by e-mail to psalvatore@state.pa.us or by fax to (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-2162. Filed for public inspection November 20, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of the *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning, or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 505.32—Governor's Awards for Excellence, Amended October 29, 2009.

Management Directive No. 580.27—Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act, Amended October 28, 2009.

Administrative Circular No. 09-16—Holidays—2010, Dated October 16, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 09-2163. Filed for public inspection November 20, 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 December 5, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2009-2140177. Scott R. Rice (140 Cochran Road, Pittsburgh, Allegheny County, PA 15228)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Allegheny County.

A-2009-2140250. Kutztown Area Transport Service, Inc. (87 South Kemp Road, Kutztown, Berks County, PA

19053)—a corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Lehigh, Bucks, Montgomery, Northampton, Carbon, Schuylkill, Lebanon and Dauphin, to points in Pennsylvania, and return. *Attorney*: Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2009-2140524. AAA Worldwide Transportation, Inc. (79 Beaver Avenue, Suite 6, Clinton, Hunterdon County, NJ 08809)—a corporation of the State of New Jersey—in limousine service, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00117376 to Stylin' Limousine, Inc., subject to the same limitations and conditions. *Attorney*: Richer T. Mulcahey, 1500 JFK Boulevard, Two Penn Center, Suite 1400, Philadelphia, PA 19102.

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 household goods as described under each application.

A-2009-2139968. Olympus Moving & Storage, Inc. (174 9th Street, Brooklyn, Kings County, NY 11215)—a corporation of the State of New York—household goods in use, between points in Pennsylvania.

A-2009-2139978. Barney's Movers, LLC (11039 Westmere Circle, Dallas, Dallas County, TX 75230)—a limited liability corporation of the Commonwealth—household goods in use, between points in Pennsylvania.

Application of the following for the approval of the transfer of stock as described under the application.

A-2009-2140213. Colonial Limousine Services, Inc. (1918 South 6th Street, Philadelphia, Philadelphia County, PA 19142), a corporation of the Commonwealth—ownership transfer—for the approval of the transfer of 1,000 shares of outstanding stock held by William Vessal (500 shares) and Menashe Hoba (500 shares) to Workineh Negash (500 shares) and Teffera A. Kebede (500 shares).

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2009-2139799. Rick A. Hedrick, Sr., A.L.L. Limo (20565 North Norrisville Road, Conneautville, Crawford County, PA 16406)—discontinuance of service—persons, in limousine service: (1) from points in the Counties of Erie and Crawford, to points in Pennsylvania, and return; and (2) from the Pittsburgh International Airport, Allegheny County to other points in Pennsylvania and return

A-2009-2139753. Superior Bus Service, Inc. (1819 Gallagher Road, Plymouth Meeting, Montgomery County, PA 19462)—a corporation of the Commonwealth—discontinuance of service and cancellation of its certificate—persons in paratransit service, for Kauffman Construction Company, Inc., in vehicles with a seating

capacity no less than six passenger plus driver, nor more than 14 passengers plus driver, equipped with wheelchair lift, over designated routes, between Elm and Fayette Streets in the Borough of Conshohocken and Matson Ford Road and Front Street in the Borough of West Conshohocken, all in Montgomery County, with immediate service to the following points only and vice versa:

1. The Conshohocken railroad station of the Southeastern Pennsylvania Transportation Authority (SEPTA).

2. West Conshohocken Borough Hall, Front Street and Matson Ford Road, Borough of West Conshohocken, Montgomery County.

3. Along Access Road No. 1 (a loop around Merion Mills Business Park, Borough of West Conshohocken, Montgomery County).

A-2009-2140042. Romano's Coach Corp. (1065 Belvoir Road, Norristown, Montgomery County, PA 19401)—discontinuance of service—persons and their baggage, such as can be transported in buses without the removal of seats and without interference with the safety, convenience or accommodation of passengers, on schedule, in either direction, between the Borough of Norristown, Montgomery County, and Liberty Bell Park in the City and County of Philadelphia; service to be provided only during racing meets at Liberty Bell Park.

A-2009-2140162. Hegins Valley Lines, Inc., a corporation of the Commonwealth (Box 507, Rising Sun Road, Millersburg, Dauphin County, PA 17061)—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in scheduled route service as follows: Beginning at the Lykens Valley Plaza, located north of the Borough of Elizabethville, Dauphin County, on Route 209; thence proceeding west on Route 209 to the borough of Millersburg, Dauphin County, where Route 209 meets Route 147; thence proceeding southward on Route 147 to the Clarks Ferry Bridge where Route 147 merges with Route 22/322; thence continuing southward along Route 22/322 to various city streets in the City of Harrisburg, Dauphin County; with the right to pick up and discharge passengers at any point between Lykens Valley Plaza and the Borough of Dauphin, Dauphin County.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2164. Filed for public inspection November 20, 2009, 9:00 a.m.]

Water Service

A-2009-2140549 and A-2009-2140552. Borough of Muncy. Application of the Borough of Muncy for Certificates of Public Convenience approving: 1) the acquisition of facilities and provision of water service; and 2) the acquisition of facilities and provision of wastewater collection, treatment and disposal service, to the public in portions of the Township of Muncy Creek, 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 December 7, 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: Borough of Muncy

Through and By Counsel: Kevin J. Moody, Esquire, Carl R. Shultz, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2165. Filed for public inspection November 20, 2009, 9:00 a.m.]

Water Service

A-2009-2139965. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in a portion of South Franklin and East Finley Townships, Washington 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 December 7, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2166. Filed for public inspection November 20, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Prequalification for Hydrographic Engineering Services

The Philadelphia Regional Port Authority (PRPA) will prequalify firms for on call hydrographic engineering services for Project No. 09-126.S. The prequalification documents will be accepted until 2 p.m. on Tuesday, December 15, 2009. All information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement and, will be available Tuesday, November 24, 2009. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.
Executive Director

[Pa.B. Doc. No. 09-2167. Filed for public inspection November 20, 2009, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. Maria F. Lee-Driver; Doc. No. 1699-42-09

On September 17, 2009, Maria F. Lee-Driver, license no. BL-052670, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated September 4, 2009, which the court issued under section 4355 of the Domestic Relations Code (relating to denial or suspension of licenses). The suspension is effective immediately.

Persons may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 09-2168. Filed for public inspection November 20, 2009, 9:00 a.m.]