

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, December 9, 2009. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of a presentation by a spokesperson for New York City regarding temporary closure of the Delaware Aqueduct; a report by the chair of the Toxics Advisory Committee; a report by the chair of the Water Quality Advisory Committee; and a presentation on the Pocono Creek Watershed Sustainability Study.

The subjects of the public hearing to be held during the 1 p.m. business meeting include the dockets listed as follows:

1. *Melody Lakes, D-1980-079-3*. An application for renewal of the applicant's 0.072 mgd WWTP discharge. The project WWTP will continue to discharge to Tohickon Creek, a tributary of the Delaware River at River Mile 157.00—26.16 (Delaware River—Tohickon Creek) in Richland Township, Bucks County, PA. The project WWTP is located in the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

2. *Schering Corporation, D-1986-004-2*. An application to modify Schering Corporation's industrial waste treatment plant (IWTP) docket to approve an existing discharge of 0.04 mgd of treated industrial wastewater from Outfall No. 001A (approved by Docket D-1986-4) and a 0.02 mgd discharge of cooling tower blowdown and HVAC condensate from Outfall No. DSN002A. Outfalls Nos. 001A and DSN002A will continue to discharge to an Unnamed Tributary of the Paulins Kill at River Mile 207.0—33.8—0.3 (Delaware River—Paulins Kill—unnamed tributary), in Lafayette Township, Sussex County, NJ. The project IWTP is located in the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

3. *Lower Perkiomen Valley Regional Sewer Authority, D-2001-042 CP-3*. An application for approval to renew a discharge of up to 14.25 mgd from the existing Oaks Wastewater Treatment Plant (WWTP). The Oaks WWTP discharges to the Schuylkill River at River Mile 92.47—32.35 (Delaware River—Schuylkill River), in Upper Providence Township, Montgomery County, PA.

4. *Delaware County Solid Waste Authority, D-89-18 CP-4*. An application for approval of the modification and expansion from 0.08 mgd to 0.115 mgd of the Delaware County Solid Waste Authority's (DCSWA) Rolling Hills leachate treatment plant (LTP). Modifications include the addition of a clarifier, new ozone system, additional blowers, new pumps, and new boilers to ensure the treatment process complies with permit limitations such as color, ammonia, and TDS. The LTP treats leachate

from the Rolling Hills landfill and discharges to the Manatawny Creek at River Mile 92.47—54.15—12.2 (Delaware River—Schuylkill River—Manatawny Creek) through a diffused outfall. The project LTP is located in Earl Township, Berks County, PA.

5. *Gloucester County Utilities Authority D-1990-074 CP-3*. An application for the continued approval of a 27 mgd discharge of treated wastewater from the Gloucester County Utilities Authority (GCUA) wastewater treatment plant (WWTP). On May 6, 2009, the Commission approved Docket No. D-2008-27-1 for the West Deptford Energy Station (WDES), allowing WDES to withdraw up to 7.5 mgd of GCUA's effluent for cooling water purposes and to discharge approximately 2.0 mgd of contact cooling water (CCW) back to GCUA's effluent stream. As a result of the WDES approval, a TDS and thermal mixing zone are required for existing GCUA Outfall No. DSN004A at the Delaware River. This application includes a thermal mixing zone of 164 feet and a TDS mixing zone of 105 feet for Outfall No. DSN004A. The project WWTP is located in Water Quality Zone 4 at River Mile 89.7 (Delaware River), in West Deptford Township, Gloucester County, NJ.

6. *Aqua Pennsylvania—Chalfont System, D-1993-083 CP-2*. An application for approval of a groundwater withdrawal project for which the Commission's approval has expired, to continue a withdrawal of 39 mg/30 days to supply the applicant's public water supply system from five existing wells. The project is located in the Stockton Formation in the Neshaminy, Pine Run and Cooks Run watersheds in Chalfont and New Britain Boroughs, Montgomery County, PA within the Southeastern Pennsylvania Ground Water Protected Area (GWPA). The project wells are located in three sub-basins of the Neshaminy Creek Basin, as defined by the GWPA Regulations: North Branch Neshaminy Creek, Pine Run Basin and Doylestown Sub-basin Neshaminy Creek.

7. *The Upper Hanover Authority and The Red Hill Water Authority, D-2002-10 CP-3*. An application for a groundwater withdrawal project to increase the withdrawal from 43.113 mg/30 days to 56.88 mg/30 days from six existing wells and one existing spring water withdrawal (Kemmerer Spring) to supply the applicant's public water supply. The 13.767 mg/30 days increase would be obtained from existing Wells Nos. TUHA-1 and TUHA-2. The project is located in the Brunswick, Leithsville and Hardyston Formations. The increased allocation is requested to meet 10-year projected increases in service area demand. The project is located in the Perkiomen Creek and Macoby Creek watersheds in Upper Hanover, Hereford and Upper Milford Townships, Montgomery, Berks and Lehigh Counties, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area (GWPA). The project wells are in the Upper Reach Perkiomen Creek and Perkiomen-Macoby Run sub-basins as defined by the GWPA Regulations.

8. *Yukiguni Maitake Manufacturing Corporation of America, D-2003-026-1*. An application for approval of a groundwater withdrawal project to supply up to 13.14 mg/30 days of water to the applicant's mushroom facility from new Well No. 001. The project is located in the Lower Devonian and Sularian Formations in the Basher Kill Watershed in Mamakating Township, Sullivan County, NY. The site is located within the drainage area

to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

9. *Inversand Company, D-2007-015-1*. An application for approval of a groundwater withdrawal project to supply up to 15.5 mg/30 days of water to the applicant's glauconite mining operations from new Wells Nos. 1 and 2 and a mining pit. The project is located in the Mt. Laurel-Wenonah and Potomac-Raritan-Magothy formations in the Mantua Creek Watershed in Mantua Township, Gloucester County, NJ.

10. *Yukiguni Maitake Manufacturing Corporation of America, D-2008-035-1*. An application for approval to construct wastewater treatment facilities for the Yukiguni Maitake Mushroom Growing Facility and to construct three land discharges from a pilot-scale growing facility (1-story, 44,100 square foot building) on the site. Two of the proposed discharges are to a three-bay infiltration basin system, whereas the third is to an on-site septic tank discharging to a leach field. The three-bay infiltration basin system will accept up to 55,000 gpd, 51,000 gpd of which will be from a geothermal system (Outfall No. 005) and the remaining 4,000 gpd from process water (Outfall No. 002). The on-site septic tank and leach field are proposed to receive up to 1,000 gpd of sanitary wastewater (Outfall No. 001). The project is located in the Basher Kill Watershed in Mamakating Township, Sullivan County, NY, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

11. *UMH Properties Inc., D-2009-021-1*. An application for approval of the Highland Estates Mobile Home Park WWTP. The existing WWTP discharges treated sewage effluent at an average annual daily flow rate of 0.08325 mgd to an unnamed tributary of Mill Creek, which is a tributary of the Schuylkill River. The facility is located in Greenwich Township, Berks County, PA.

12. *White Manor Country Club, D-2009-022-1*. An application for approval of a new ground and surface water withdrawal project to supply up to 7.02 mg/30 days of water to the applicant's irrigation process from existing Well No. 1 and existing Intakes 1 and 2. The project well and intakes are located in the Felsic Gneiss, granulite facies in the Crum Creek Watershed in Willistown Township, Chester County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

13. *Camp Lohikan, D-2009-024-1*. An application for approval of the proposed Camp Lohikan Spray Irrigation Sewage Disposal System. The proposed WWTP is comprised of an aerated lagoon system designed to provide secondary treatment and disinfection, followed by land application by means of spray irrigation. The hydraulic design capacity of the facility is 0.03 million gallons per day (mgd). The proposed project is located in the Equinunk Creek Watershed in Buckingham Township, Wayne County, PA, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

14. *Lehigh Carbon Community College, D-2009-025 CP-1*. An application for approval to install two new final clarifiers and aerobic digesters at the existing 36,225 gallons per day (gpd) WWTP of the Lehigh Carbon Community College. No change in hydraulic design is proposed. The project is located in North Whitehall Township, Lehigh County, PA, within the drainage area of

the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The WWTP discharges to an unnamed tributary of Jordan Creek, a High Quality-Cold Water Fishery, Migrating Fishery (HQ-CWF, MF) at River Mile 183.66—16.25—13.79—1.26 (Delaware River—Lehigh River—Jordan Creek—Unnamed Tributary).

In addition to the standard business meeting items, including adoption of the Minutes of the Commission's previous (October 22, 2009) business meeting; announcements of upcoming advisory committee meetings and events of interest; a report on hydrologic conditions; a report by the Executive Director; and a report by the Commission's General Counsel, the business meeting also will include public hearings and consideration by the Commission of resolutions: (a) extending Docket No. D-69-210 CP Final (Revision 12) for the Limerick Generating Station Water Supply Modification Demonstration Project and Wadesville Mine Pool Withdrawal and Streamflow Augmentation Demonstration Project for a period of one year or until the Commission approves a revised docket, whichever occurs first; (b) authorizing the Executive Director to modify Docket D-71-86-2 for DuPont's Edge Moor Titanium Dioxide Facility Industrial Wastewater Discharge to provide additional time and to establish an approved schedule for installation of a diffuser by January 31, 2010; (c) approving the Commission's Fiscal Year (FY) 2010-2015 Water Resources Program; (d) approving guidance consisting of a Commission "penalty matrix" to assist regulated entities and the Commission staff in reaching negotiated settlements for suspected violations of the Commission regulations; (e) authorizing and directing the Executive Director to enter into a revised administrative agreement with the State of New Jersey for the submission and review of projects under Section 3.8 of the Compact; and (f) approving the Commission FY 2011 operating and capital budgets. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on December 9, 2009, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Note that conference items are subject to change and items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Check the Commission's web site, drbc.net, closer to the meeting for changes that may be made after the deadline for filing this notice.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH, Esq.,  
Secretary

[Pa.B. Doc. No. 09-2182. Filed for public inspection November 25, 2009, 9:00 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Product Promotion Matching Grant 2010

The Department of Agriculture (Department) announces November 30, 2009 through January 8, 2010, for the Direct Farm Sales Grant Program (Program) application period. Administered by the Department, Bureau of Food Distribution (Bureau), application forms and information about the Program can be accessed at the Department's web site [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us), or by contacting Sandy Hopple at the Bureau (800) 468-2433.

The Program provides funds to Pennsylvania-based businesses that manage or operate a farm stand or farmers' markets, nonprofit organizations, farmers and local governments for projects intended to promote new or existing farmers' markets. Projects must pertain to specialty crops. The maximum Grant amount per farm stand or farmers' market location shall be \$7,500 and applicants shall be expected to provide 25% of the approved Grant amount in matching funds or in-kind goods or services. The anticipated date for the Award of Grants and Notice thereof is expected to be on or before March 1, 2010. The application, work plan and budget should reflect March 1, 2010, as the project start date and the project completion date will be September 30, 2010.

Applications for the Program will be accepted by the Department beginning Monday, November 30, 2009, and continue through Friday, January 8, 2010. Applications to be hand-delivered must be received by 4 p.m. in the Bureau on the closing date, Friday, January 8, 2010. Applications which are mailed must be postmarked no later than Friday, January 8, 2010, and received no later than January 15, 2010.

Completed applications should be addressed to, or delivered to, the Department of Agriculture, Bureau of Food Distribution, Direct Farm Sales Grant Program, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

RUSSELL C. REDDING,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2183. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby issues a temporary order designating West Nile Encephalitis (WNE), Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic Septicemia (VHS), Lymphocytic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as "dangerous transmissible diseases." These designations are made under the authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to these same diseases, as published at 39 Pa.B. 239 (January 10, 2009) that made

the same dangerous transmissible disease designations. This previous temporary order will expire as of January 1, 2010.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation.

### 1. WNE

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection, although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a "dangerous transmissible disease" will facilitate the Department's surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

### 2. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or "mad cow" disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a "prion." There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is

diagnosed. The designation of CWD as a “dangerous transmissible disease” will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

### 3. SVC

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

### 4. VHS

Viral hemorrhagic septicemia (VHS) virus is a serious pathogen of fresh and saltwater fish that is causing an emerging disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

### 5. LCMV

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies in order to protect human health.

### 6. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geo-

graphic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheo-bronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

### Order

The Department hereby designates WNE, CWD, SVC, VHS, LCMV and EHV-1 “dangerous transmissible diseases” under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2010, and shall remain in effect until no later than January 1, 2011. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2011; (2) allow this temporary order to expire on January 1, 2011; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Craig Shultz, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

RUSSELL C. REDDING,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2184. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 17, 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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-13-2009	Ask America, LLC, Fairfield, NJ; Anita Khubani; Ashok Khubani; and Anand V. Khubani	Approved
11-13-2009	Jay S. Sidhu	Approved

Application for approval to acquire up to 12.0% of the Common Stock of New Century Bank, Phoenixville.  
Application for approval to acquire up to 13.0% of the Common Stock of New Century Bank, Phoenixville.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2009	Fidelity Savings Bank Pittsburgh Allegheny County	McKnight Road and Duncan Avenue McCandless Allegheny County	Approved
11-9-2009	Graystone Tower Bank Lancaster Lancaster County	830 North U.S. Highway 15 Dillsburg York County	Approved
11-9-2009	Graystone Tower Bank Lancaster Lancaster County	329 East Beaver Avenue State College Centre County	Approved
11-9-2009	Integrity Bank Camp Hill Cumberland County	1683 Oregon Pike Lancaster Lancaster County	Approved
11-9-2009	Integrity Bank Camp Hill Cumberland County	300 Centerville Road Lancaster Lancaster County	Approved
11-9-2009	Northwest Savings Bank Warren Warren County	413 South Logan Boulevard Suite 3 Altoona Blair County	Approved
11-9-2009	The Muncy Bank and Trust Company Muncy Lycoming County	4880 SR 44 Dewart Northumberland County	Opened

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2009	PeoplesBank, A Codorus Valley Company York York County	<i>To:</i> 2410 Eastern Boulevard York York County  <i>From:</i> 2701 Eastern Boulevard York York County	Effective

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-13-2009	Centric Bank Harrisburg Dauphin County	10 North Progress Avenue Harrisburg Dauphin County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-11-2009	New Century Bank Phoenixville Chester County	Approved and Effective

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

**Branch Applications**

**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2009	TruMark Financial Credit Union Trevose Bucks County	12377 Academy Road Philadelphia Philadelphia County	Approved

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2185. Filed for public inspection November 25, 2009, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0208574	Coach Stop Inn 5744 Route 6 Wellsboro, PA 16901	Shippen Township Tioga County	Unnamed Tributary to Pine Creek (9A)	Y
PA0209155	Sandro Sorge Apartments 212 Fifth Street Bloomsburg, PA 17815	Columbia County Madison Township	Spruce Run 5C	Y
PA0228648 (Sewage)	Jackson Township Wastewater Facility 30 Wisteria Way Millerton, PA 16936	Jackson Township Tioga County	Hammond Creek (4B)	Y
PA0113476 IW	Koppers Industries, Inc. 436 Seventh Avenue Suite 1800 Pittsburgh, PA 15219-1800	Lycoming County Clinton Township	Unnamed Tributary To West Branch Susquehanna River 10C	Y

### II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*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 4.5. This notice is being republished with corrections originally published on November 21, 2009.

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.

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -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	1,500	2,000

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

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10.0	15.0	20.0
Total Suspended Solids	10.0	15.0	20.0
NH <sub>3</sub> -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		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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	1,500	2,000

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

**Application No. PA 0021865**, Sewage, **Borough of Adamstown in Lancaster County**, 98 Lancaster Avenue, Adamstown, Pennsylvania 19501. This facility is located in East Cocalico Township, **Lancaster County**.

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

The receiving stream, Little Muddy Creek, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.6 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

#### Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	10,959*
Net Total Phosphorus	XXX	Report	1,461*

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

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0021717**, Sewage, **Marietta-Donegal Joint Authority**, P. O. Box 167, Marietta, Pennsylvania 17547. This facility is located in Marietta Borough, **Lancaster County**.

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



The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 2.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 MGD are:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

#### Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	13,698*
Net Total Phosphorus	XXX	Report	1,826*

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

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0026123**, Sewage, **Columbia Municipal Authority**, 308 Locust Street, Columbia, Pennsylvania 17512. This facility is located in Columbia Borough, **Lancaster County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Safe Harbor Power Plant is located on the Susquehanna River, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

## Chesapeake Bay Requirements

	Concentration (mg/L)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	36,529*
Net Total Phosphorus	XXX	Report	Report	4,871*

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

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0070424**, Sewage, **Caernarvon Township Municipal Sewer Authority (WWTF)**, P. O. Box 291, Morgantown, Pennsylvania 19543. This facility is located in Caernarvon Township, **Berks County**.

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

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Company is located on the Conestoga River, approximately 36 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.7 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		6.0
(11-1 to 4-30)	13.5		9.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

## Chesapeake Bay Requirements

	Concentration (mg/L)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	12,785*
Net Total Phosphorus	XXX	Report	Report	1,705*

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

\* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0026638**, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, Pennsylvania 19611. This facility is located in Reading City, **Berks County**.

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

The receiving stream, Wyomissing Creek, is in Watershed 3-C, and classified for cold water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 4.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	30	40	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.25		0.84
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed Final effluent limits for Outfall 001 for a design flow of 4.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	30	40	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.10		0.31
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

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

**PA0204528**, Industrial Waste, SIC 4941, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from the Vanport Water Treatment Plant in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located at Midland, PA, about 5 miles below the discharge point.

Outfall 001: emergency discharge, design flow of 2 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Trichloroethylene (TCE)			0.010		0.020
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096733**, Sewage, **Gayle M. DeGrano**, P. O. Box 372, Turtle Creek, PA 15145. This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant View Mobile Home Park STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a high-quality cold water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Westmoreland Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.024 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0254118**, Sewage, **Rodney C. Marvin**, 146 Lee Street, Hyndman, PA 15545. This application is for issuance of an NPDES permit to discharge treated sewage from Marvin property SRSTP in Southampton Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Jennings Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Out of PA, in Maryland.

Outfall 001: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0252778**, Sewage, **Ricky G. and Rebecca J. Niemiec**, 5821 Somerset Pike, Boswell, PA 15531. This application is for renewal of an NPDES permit to discharge treated sewage from Niemiec SR STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of South Fork Bens Creek, which are classified as a high-quality cold water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport.

*Outfall 001*: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
May 1 to Oct 31	5.0			10.0
Nov 1 to Apr 30	15.0			30.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0093980**, Sewage, **Mr. Roger Breig, Better Built Mobile Homes**, 102 Kimberlin Drive, Irwin, PA 15642. This application is for renewal of an NPDES permit to discharge treated sewage from Kimberly Estates MHP STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Little Sewickley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Municipal Authority of Westmoreland County at McKeesport.

*Outfall 001*: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	2.5			5.0
Nov 1 to Apr 30	7.5			15.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.22			0.50
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### 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. 3909405**, Sewerage, **Lynn Township Sewer Authority**, 7481 Allemaengel Road, New Tripoli, PA 18066. This proposed facility is located in Lynn Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project consists of an upgrade and expansion to the existing Lynn Township Sewer Authority WWTP from 80,000 GPD to 160,000 GPD.

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

**WQM Permit No. WQG016179**, Sewerage, **Brian M. Lane**, 2925 Bedillion Road, Washington, PA 15301. This proposed facility is located in South Franklin Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment 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**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904015 (1)	Harold Newton 2204 Rt. 100 Professional Office Campus, LLC 6235 Hamilton Blvd. Suite 212 Allentown, PA 18106	Lehigh	Lower Macungie Twp.	Little Lehigh Creek HQ-CWF, MF

*Schuylkill County Conservation District: 1206 Agricultural Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, 570-622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025409004	H & S Investment Properties P. O. Box 160 Saint Clair, PA 17970	Schuylkill	East Norwegian Township	Mill Creek CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI040009001	Tennessee Gas Pipeline Company	Bradford	Asylum, Burlington, Granville, Monroe, Towanda, Tuscarora and West Burlington Townships	UNT to North Branch Towanda Creek CWF UNT to North Branch Towanda Creek CWF UNT to North Branch Towanda Creek CWF UNT to North Branch Towanda Creek CWF Preacher Brook CWF UNT to S010 None Specified UNT to Preacher Brook CWF UNT to Preacher Brook CWF French Run CWF UNT to French Run N/Available UNT to French Run CWF UNT to French Run CWF Roadside Ditch None Specified UNT to Towanda Creek CWF

## NOTICES

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI040009001	Tennessee Gas Pipeline Company	Potter	Alleghany, Hector and Ulysses Townships	UNT to Pine Creek None Pine Creek HQ-CWF Jones Run HQ-CWF Cushing Hollow HQ-CWF Genesee Forks HQ-CWF Tubbs Hollow HQ-CWF Scott Hollow HQ-CWF UNT to Laurel Run None Laurel Run HQ-CWF UNT to Laurel Run HQ-CWF Phoenix Run HQ-CWF UNT to Phoenix Run HQ-CWF UNT to Little Phoenix Run None Little Phoenix Run HQ-CWF Wattles Run CWF Ditch None Long Run CWF UNT to Pine Creek HQ-CWF UNT to Pine Creek HQ-CWF Man-Made Pond N/A UNT to Cushing Hollow HQ-CWF Cushing Hollow HQ-CWF Trib to Long Run CWF

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI040009001	Tennessee Gas Pipeline Company	Tioga	Charleston, Clymer, Richmond and Sullivan Townships	Hills Creek WWF Hills Creek WWF UNT to North Elk Run CWF UNT to North Elk Run CWF UNT to North Elk Run None Slate Creek CWF UNT to Tioga River CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
				UNT to Canoe Camp Creek
				None Specified
				UNT to Canoe Camp Creek
				None Specified
				UNT to Canoe Camp Creek
				CWF
				UNT to S021
				None Specified
				UNT to Corey Creek
				CWF
				UNT to Corey Creek
				None Specified
				UNT to Corey Creek
				None Specified
				UNT to Corey Creek
				None Specified
				Trib to North Elk Run
				CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509007	James R. Thomas P. O. Box 968 Pleasant Unity, PA 15676	Westmoreland	Derry Township	UNT to Saxman Run (WWF)

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

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

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

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



NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Gobble's Knob Turkey Farm David and Cathy Reifsneider 2596 New Bridgeville Road Felton, PA 17322	York	15.4	469.9	Turkey	N/A	Renewal
Hershey Ag/Lost Creek Farm 586 Benner Road McAlisterville, PA 17049	Juniata	151	982.5	Swine	N/A	Update to Act 38
Mark Rohrbach 68 Rider Road Catawissa, PA 17820	Columbia	300	604.55	Swine Beef	NA	New

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 0909519, Public Water Supply.**

Applicant **Borough of Doylestown**  
Borough Doylestown

**County Bucks**  
Responsible Official John H. Davis  
57 West Court Street  
Doylestown, PA 18901  
Type of Facility PWS  
Consulting Engineer C.K.S. Engineering, Inc.  
88 South Main Street  
Doylestown, PA 18901  
Application Received Date October 26, 2009  
Description of Action Preparation and repainting of spot repairs to the interior surface of the existing 400,000 gallon steel standpipe water storage tank, known as the Maplewood Standpipe.

**Application No. 4609521, Public Water Supply.**

Applicant **Aqua Pennsylvania**  
Township Abington  
County **Montgomery**  
Responsible Official Joseph G. Thurwanger  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
Type of Facility PWS  
Consulting Engineer Aqua Pennsylvania  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
Application Received Date October 22, 2009  
Description of Action Painting interior and exterior of 10.00 MG Hillside Water Storage Tank.

**Application No. 1509512, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
Township East Vincent  
County **Chester**  
Responsible Official Mr. David R. Kaufman  
800 West Hersheypark Drive  
Hershey, PA 17033  
Type of Facility PWS

Consulting Engineer Pennsylvania American Water Company  
4 Wellington Boulevard  
Wyomissing, PA 19610

Application Received Date October 30, 2009

Description of Action Installation of additional yard piping on site to reconfigure chlorine contact pipe.

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

**Permit No. 6507503A2**, Public Water Supply.

Applicant **Latrobe Municipal Authority**  
104 Guerrier Road  
Latrobe, PA 15650

Township or Borough Latrobe

Responsible Official Thomas Gray, Manager  
Latrobe Municipal Authority  
104 Guerrier Road  
Latrobe, PA 15650

Type of Facility Water treatment plant

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

Application Received Date October 13, 2009

Description of Action A chemical change from lime to caustic soda.

**Permit No. 1109504**, Public Water Supply.

Applicant **Greater Johnstown Water Authority**  
640 Franklin Street  
P. O. Box 1407  
Johnstown, PA 15907

Township or Borough East Taylor Township

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

Type of Facility Water treatment plant

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

Application Received Date October 29, 2009

Description of Action Installation of an aeration system for both 1 million gallon water storage tanks and changing the disinfection method at the Saltlick water treatment plant to a mixed oxidant.

#### 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.*

**WA30-587G, Water Allocations-Resubmittal.** Southwestern Pennsylvania Water Authority, P. O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **Greene County.** The applicant is requesting the right to withdraw 9.22 million gallons of water per day, peak day, from the Monongahela River.

## 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:

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

**7 Eleven Store # 20114**, Borough of Lansdowne, **Delaware County**. Courtney Hanrahan, ENSR International, 2005 Cabot Boulevard, Suite 100, Langhorne, PA 19047, Richard Fireley Jr., ENSR International, 2005 Cabot Boulevard, Suite 100, Langhorne, PA 19047 on behalf of Ken Hilliard, 7-Eleven, Inc., Store # 20114, 2711 North Haskell Avenue, Dallas, TX 75304 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The former and intended use of the property is as a commercially viable (non-residential) industrial property. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on August 7, 2009.

**Alex Auto Repair**, Lower Southampton, **Bucks County**. Joanne Van Rensselare, Envirosearch Consultants, Inc., P. O. Box 940, Spring House, PA 19477, Nicholas Brozda, 211 Dylan Lance, Phoenixville, PA 19460 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of MTBE. The future use of the property will remain unchanged; non-residential-current use is a pool sales company and small retail store fronts.

**Henderson Property**, Willistown Township, **Chester County**. Charles Metzger, ECC Horizon, 135F Gaither Drive, Mount Laurel, NJ 08054, William Galbraith, W. T. Galbriath Fuel Oil, Inc., 200 Powelton Avenue, P. O. Box 160, Lansdowne, PA 19050 on behalf of Gary Henderson, 22 Shepherd Road, Malvern, PA 19355 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the property is intended to remain residential.

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

**Horwith Trucking Back Lot Area**, 6 Horwith Drive, Northampton Borough, **Northampton County**. Elizabeth Schamberger, Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C31, Allentown, PA 18106 has submitted a Notice of Intent to Remediate on behalf of her client MRS Land, LLC, P. O. Box 7, Northampton, PA 18067, concerning the remediation of soil found to have been impacted by bunker oil as a result of historical operations at a former cement production facility and a waste paper recycling facility at this site. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the site is industrial and commercial. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on October 23, 2009.

**Northwestern Lehigh School District Maintenance Shop**, 6493 Route 309, Lynn Township, **Lehigh County**. Thomas J. 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, Northwestern Lehigh School District, 6493 Route 309, New Tripoli, PA 18066), concerning the

remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, non-regulated underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property is as a school. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 26, 2009. A Final Report was simultaneously submitted.

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

**Former Glucroft Corporation Roaring River Mills Property**, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Amtran, 3301 Fifth Avenue, Altoona, PA 16602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs and metals. The site is being remediated as a Special Industrial Area. The proposed future use is non-residential.

**Ellis Residence**, Tuscarora Township, **Perry County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Thorpe Ellis, 7091 Raccoon Valley Road, Millerstown, PA 17062, submitted a Notice of Intent to Remediate site soils, surface water and groundwater contaminated with No. 2 fuel oil. The site, which will remain a residence, will be remediated to the Residential Statewide Health Standard.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

### PLAN APPROVALS

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

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

**10-346C: Scrap Salvage & Surplus, Inc.** (690A Glenwood Way, Butler, PA 16001) for construction of a portable scrap cutting enclosure at their facility in Center Township, **Butler County**.

**62-032F: Ellwood National Forge Co.** (One Front Street, Irvine, PA 16329) for a minor modification to Plan Approval 62-032E to reallocate gas throughput limits associated with the Oxyfuel Preheater, Vertical Dryer, and Horizontal Preheater (Source ID 101A) at their facility in Brokenstraw Township, **Warren County**. This is a Title V facility.

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

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

**55-00001D: Sunbury Generation LP** (Old Trail Road, P. O. Box 517, Shamokin Dam, PA 17876) for construction and operation of an activated carbon injection system (ACI) to control the mercury emissions from the facility's existing four (4) coal fired utility boilers in Shamokin Dam, **Snyder County**. The rated heat input of each boiler is 525 mmBtu/hr. Sunbury Generation also proposes to construct and operate an activated carbon storage and material handling system. There is no emission increases from the boilers due to operation of the activated carbon injection system (ACI). The particulate matter emissions from the storage and material handling operation will be controlled by a small fabric collector. This facility is a major facility for which a Title V operating permit has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Sunbury Generation LP indicates that the proposed ACI system and the material handling system will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive particulate matter emission limitation of 25 Pa. Code § 123.1, the particulate matter

emission limitation of 25 Pa. Code § 123.11 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the sources and air cleaning devices. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 55-00001 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

(1) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the activated carbon injection system shall be placed upstream of each fabric collector which, control the emissions from each of the coal fired boilers (Source IDs 031, 032, 033 and 034). Additionally, the activated carbon injection system shall consist of the following equipment:

- (a) One 6,400 cubic foot activated carbon storage silo.
- (b) One pneumatic conveying system.
- (c) A loss-in-weight type gravimetric feeder system consisting of one metering hopper, a variable rate screw feeder and a variable frequency controller.
- (d) 1/2—1" venturi eductor.
- (e) One regenerative type air blower.
- (f) Custom made duct injection nozzles.

(2) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emissions from the activated carbon storage silo shall be controlled with a Torit model TBV-4 pressurized fabric collector. The particulate matter emissions from which shall not exceed 0.005 grains per dry standard cubic foot.

(3) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall continuously monitor the activated carbon injection rate (in pounds per hour) for each boiler. Additionally, the permittee shall record the injection rate at least once every shift.

(4) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the injection rate of the activated carbon shall not exceed 135 pounds per hour.

(5) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install, operate and maintain instrumentation to continuously measure the pressure drop across the Torit model TBV-4 fabric collector which control particulate matter emissions from the activated carbon storage silo to assure that the fabric collector is operated and maintained with good air pollution control practices. The pressure drop shall be recorded at least once a day during operation. The records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

(6) The permittee shall comply with all applicable Pennsylvania mercury regulations specified in 25 Pa. Code §§ 123.201—123.215 including all monitoring recordkeeping and reporting requirements.

(7) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate, maintain and calibrate all monitoring and recording equipment associated with the activated carbon injection system according to the manufacturer's specifications. The permittee shall keep records of any calibration or maintenance done on any of the monitoring device(s). These

records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

(8) Within 2 years of the initial startup of the activated carbon injection system the permittee shall conduct total particulate matter stack testing (filterable and condensable) upon the exhausts associated with Source IDs 031, 032, 033 and 034 while the ACI system is in operation to determine the particulate matter emissions.

(9) (a) At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(b) The Department shall be given at least 15 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

(c) Within 60 days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

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

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

**65-00661C: Derry Construction Co., Inc.** (527 Route 217, Latrobe, PA 15650-3451) for construction of a replacement hot mix asphalt plant at their Salem Delmont Plant in Salem Township, Westmoreland County, consisting of the following sources: one Dilman Equipment, Inc., counter flow drum mix plant model D-UCF11454 rated at 400 tph; one Hauck burner Model ESII-125 rated at 125 mmBtu/hr; roadways; and front-end loaders. The facility incorporates the following control devices: one Dillman knock-out box model D-RPBH-80-400PC rated at 70,000 ACFM at 300° F; one Aeropulse, Inc., bag house model M-936-12-H-N rated at 70,000 ACFM at 300° F; and water spray dust suppression. The BAT determination for this site includes a knock-out box in series with a baghouse and various work practice standards including preventative maintenance to better avoid malfunctions, active and passive fugitive dust suppression, and facility operation which ensures compliance with emission restrictions.

Emissions from the facility/source are estimated to be 1.04 tons of PM10 per year, 0.72 tons of PM2.5 per year, 3.78 tons of Filterable Particulate per year, 7.9 tons of VOC per year, 32.2 tons of CO per year, 13.6 tons of NOx per year, 11.8 tons of SO<sub>2</sub> per year, and 2.48 tons of HAPS per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—

145 and Federal Regulations 40 CFR 60.4, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.93, 40 CFR 60.670, 40 CFR 60.672, 40 CFR 60.675 and 40 CFR 60.676. Plan Approval will include conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Jacob G. Chemsak, E.I.T., Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Written comments must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

**20-303A: Crawford Central School District** (860 Thurston Road, Meadville, PA 16335) for authorization to construct and operate a 9.5 mmBtu/hr Biomass Combustion Unit and Multi-clone control device in the City of Meadville, **Crawford County**.

Pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the City of Meadville, Crawford County. This plan approval will authorize the applicant to construct and operate a 9.5 mmBtu/hr Biomass Combustion Unit and Multi-clone control device as described in the applicant's application dated August 19, 2009.

The biomass unit will be fueled by virgin chipped wood with an average ash content of 2% and a moisture content of approximately 38%. At no time shall particle-board, flake-board, preservative treated wood, coated or painted wood, laminated wood, construction or demolition waste or any other material be burned without approval from the Department. The unit will only operate during the months of September through the end of May to provide heat to the buildings. The fuel will be stored in an enclosed building abutting the biomass unit. The biomass unit will be equipped with a multi-clone control device with a removal efficiency of 65% that was considered BAT. Fly ash will not be re-injected into the operation and therefore will be collected into a closed dumpster below the multi-clone for disposal. Crawford Central anticipates a startup date of October 15, 2010. Performance testing will be conducted within 180 days of startup to determine compliance with PM, filterable PM10, CO and NOx emissions limits set forth in the plan approval.

The permittee shall perform daily visible observations of the stack when the source and control device is in operation, record daily magnehelic readings, and daily fuel usage. Seasonal shutdowns and weekly preventative maintenance inspections shall be performed and recorded. The permittee shall keep monthly records of the PM, PM10, CO, NOx, SOx and VOC emissions to demonstrate compliance with emission limitations of: 2.39 lbs/hr and

7.84 tpy PM; 2.17 lbs/hr and 7.1 tpy PM<sub>10</sub>; 5.7 lbs/hr and 18.7 tpy CO; 3.12 lbs/hr and 10.21 tpy NO<sub>x</sub>; .238 lbs/hr and .78 tpy SO<sub>x</sub>; and 0.16 lbs/hr and 0.53 tpy VOC. The source is not considered major pre-controlled, therefore, CAM is not applicable.

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

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

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 20-303A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

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

**AMS 09199: PA Convention Center** (111 North Broad Street, Philadelphia, PA 19107) to install Two (2) 1750 Kilowatt (KW) Cummins Diesel emergency generator firing #2 fuel oil, Two (2) 20.93 mmBtu/hr Burnham Boiler firing #2 fuel oil and natural gas, Two (2) 8.43 mmBtu/hr Johnson Controls/Power Flame Chillers firing #2 fuel oil and natural gas in the City of Philadelphia, **Philadelphia County**. The Facility will be limited to less than 25 tons of Nitrogen Oxides (NO<sub>x</sub>) emissions per year. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

**AMS 09040: Sunoco, Inc.** (3144 Passuynk Avenue, Philadelphia, PA 19145) for construction and operation of a Selective Catalytic Reduction (SCR) system at the 1332 process heaters (H-400/401) in the City of Philadelphia, **Philadelphia County**. The SCR will reduce Nitrogen Oxide (NO<sub>x</sub>) emissions by 136.9 tons per year from the 2001-2002 baseline years. The annual NO<sub>x</sub> emissions from the heaters combined will be limited to 62.7 tons per year. 112 tons of NO<sub>x</sub> emission reduction is used to satisfy the Supplemental and Environmental Projects and State and Local Environmentally Beneficial Projects of the Consent Decree Order No. 05-CV-2866. 24.9 tons of NO<sub>x</sub> emission reduction is to be applied to Consent Decree or on future projects. The permit will contain

operating, testing, monitoring, and recordkeeping requirements to ensure that the SCR operates within all applicable requirements.

**AMS 09143: AT&T Communications of Pennsylvania, LLC** (500 South 27th Street, Philadelphia, PA 19146) to increase testing, tuning, and allowable repair times for six (6) 750 kW kerosene fired emergency turbines in the City of Philadelphia, **Philadelphia County**. Each turbine is limited to 500 hours per rolling 12 month period. There will be no potential annual emission increase of Nitrogen Oxides from the facility. The Plan Approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 09105: Kinder Morgan Liquid Terminals** (3300 North Delaware Avenue, Philadelphia, PA 19134) for modification of Conditions 2.C, 2.D, 3.A. (1), and 5.A of the facility's Reasonably Achievable Control Technology (RACT) Plan Approval for Volatile Organic Compounds (VOC) in City of Philadelphia, **Philadelphia County** and the RACT Plan Approval was originally issued to GATX Terminal Corporation. Modification of the conditions will provide clarification and consistency with the facility's operating scenarios, Philadelphia Air Management Services regulations, and Plan Approvals issued. There are no changes to any emission limits from the original RACT Plan Approval. The modifications are listed:

- Modify Condition 2.C from "Tank Car/Truck Loading Racks—A, B, E, F, M & V shall comply with 25 Pa. Code § 129.59." to "Volatile Organic Compounds (VOC) that require control by vapor incinerator per applicable regulations or permit conditions will be loaded at controlled tank car positions located at racks A, E, F, M, or D."

- Modify Condition 2.D from "Tank Car/truck loading racks—C, D, G, H, N, O, P, R, R-1, T, & X which are uncontrolled shall be limited to processing organic liquid with vapor pressures lower than 4 RVP" to "All volatile organic liquids loaded at uncontrolled rack positions at the facility must have a Reid Vapor Pressure (RVP) less than 4.0."

- Modify Condition 3.A.(1) from "Tank Car/Truck loading Rack—C, D, G, H, N, O, P, R, R-1, T, X which are uncontrolled shall be limited to 129 tons of VOC per year" to "All uncontrolled tank car/truck loading positions at the facility shall be limited to 129 tons of VOC per year."

- Modify Condition 5.A from "GATX shall monitor all valves, pumps, and flanges quarterly for visual leaks. GATX shall also monitor valves, pumps, and flanges which process organic liquid greater or equal to 4 RVP for leaks greater than 10,000 ppmv" to "The Permittee shall monitor all valves, pumps, and flanges in Volatile Organic (VOC) Service quarterly for visual leaks or for leaks greater than 10,000 ppmv."

A public hearing will be conducted to address any comments about the above modification. The hearing will take place at 6 p.m. on January 6, 2010, at 1st Floor Conference Room, Medical Examiner Office, Spelman Building, 321 University Avenue, Philadelphia, PA 19104.

Copies of all documents and information concerning this plan approval are available for review in the offices of AMS, room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Ms. Karol Bowman (215-685-7572) at the above address. All written comments must be

received by January 6, 2010. Comments received by facsimile will not be accepted.

**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.*

**09-00148: Bucks County Community College** (275 Swamp Road, Newtown, PA 18940-4106) for operation of a higher education facility in Newtown Township, **Bucks County**. The renewal permit is for a non-Title V (State only) facility. The major sources of air emissions are: boilers, heaters, and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00175: Hatfield Township Municipal Authority** (3200 Advance Lane, Colmar, PA 19438), for a State Only, Synthetic Minor Operating Permit Renewal in Hatfield Township, **Montgomery County**. The facility is a major source of nitrogen oxides (NO<sub>x</sub>) emissions. Operating parameters and emissions shall be limited to below major threshold levels to maintain a minor operating status. Sources include boilers, emergency generators, and an incinerator. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00063: New Hope Crushed Stone and Lime Co.** (6970 Phillips Mill Road, New Hope, PA 18938) for operation of two (2) non-metallic mineral processing plants and associated diesel engines at Solebury Township, **Bucks County**. This action is a renewal of a State Only Operating Permit (Synthetic Minor), which was originally issued on February 18, 2005. The facility took operation hour and diesel fuel consumption restrictions to maintain its Nitrogen Oxides emissions below the threshold level. The renewal contains monitoring, recordkeeping and reporting requirements 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.*

**01-03017: Premier Chemicals, LLC** (300 Barr Harbor Drive, Suite 250, West Conshohocken, PA 19428) for their mineral milling facility in Menallen Township, **Adams County**. The facility is the former Magnesium Elektron, Inc. plant at 1305 Center Mills Road, Aspers, PA 17304. This is a renewal of the State-only operating permit issued in April 2005.

**06-03048: Fusion Coatings, Inc.** (932 West Penn Avenue, Robesonia, PA 19551-0224) for operation of their existing metal coating operation in Heidelberg Township, **Berks County**. This is a permit renewal of their existing State-only operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-03171: Martin Limestone, Inc.**, New Holland Concrete (P. O. Box 550, Blue Ball, PA 17506) for operation of a concrete block production plant in East Earl Township, **Lancaster County**.

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

**33-00156: National Fuel Gas Supply Corp.** (144 Wayne Road, Reynoldsville, PA 15851) for re-issuance of a Natural Minor Permit to operate a natural gas transmission facility in Winslow Township, **Jefferson County**. Emissions sources associated with this facility include 150 HP Compressor Unit with catalytic converter and natural gas dehydration unit. This facility is natural minor because the emissions of pollutants are less than Title V threshold. The facility is not subject to 40 CFR Part 63, Subpart ZZZZ for compressor unit because the engine rated less than 500 brake horse power.

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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

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

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding

Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

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

Parameter	Table 1		
	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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Aleppo and Richhill Townships, **Greene County** for an overhead power line right-of-way to install power to the Bailey 15 I Airshaft. Surface Acres Proposed 35.1. No additional discharges. Application received: October 13, 2009.

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

**32090105 and NPDES No. PA0262919, Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface and auger mine in Center and Brushvalley Townships, **Indiana County**, affecting 75.1 acres. Receiving stream(s): unnamed tributaries to Laurel Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009.

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

**10010101 and NPDES Permit No. PA0241873, Ancient Sun, Inc.** (P. O. Box 129, Main Street, Shippenville, PA 16254). Renewal of an existing bituminous surface strip operation in Muddy Creek Township, **Butler**



**County** affecting 38.2 acres. Receiving streams: Unnamed tributaries of Cheeseman Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to change the post mining land use from forestland to land occasionally cut for hay on the Patricia A. Moore property. Application received: November 9, 2009.

**16040104 and NPDES Permit No. PA0242608. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip operation in Porter Township, **Clarion County** affecting 62.8 acres. The department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for manganese and aluminum in addition to the limits identified in Table 2. Receiving streams: Unnamed tributaries of Leatherwood Creek and Long Run to Redbank Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: November 13, 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.

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

**54851603T and NPDES Permit No. PA0592897. Carbon & Metal Technologies, LLC**, (P. O. Box 100, Spring Glen, PA 17978), transfer of an existing anthracite coal preparation plant operation from Pine Creek Coal Company in Hubley Township, **Schuylkill County** affecting 23.6 acres, receiving stream: Pine Creek. Application received: October 26, 2009.

**22030201R. Meadowbrook Coal Co., Inc.**, (P. O. Box 6, Lykens, PA 17048), renewal of an anthracite coal refuse reprocessing operation for reclamation activities only in Wiconisco Township, **Dauphin County** affecting 84.0 acres, receiving stream: none. Application received: November 2, 2009.

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#### *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.*

**03030401 and NPDES Permit No. PA0250333. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Application received for transfer of permit currently issued to Seven Sisters Mining Company, Inc., for continued operation and reclamation of a noncoal surface mining site located in Burrell and South Bend Townships, **Armstrong County**, affecting 34.7 acres. Receiving streams: Crooked Creek to Allegheny River, classified for the following use(s): warm water fishes. There are no potable water supply intakes within ten miles from the point of discharge. Transfer application received: October 30, 2009.

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

**58050830. Paul A. Kelly**, (25 Public Avenue, Montrose, PA 18801), Stage I & II bond release from a quarry operation in Bridgewater Township, **Susquehanna County** affecting 3.0 acres on property owned by Endless Mountain Health Systems. Application received: October 21, 2009.

**7174SM1C7 and NPDES Permit No. PA0009407. Hempt Bros., Inc.**, (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Swatara Township and Steelton Borough, **Dauphin County**, receiving stream: Susquehanna River, classified for the following use: warm water fishes. Application received: October 23, 2009.

**58050844. Thomas G. Moore, Sr.**, (44 Pine Street, Deposit, NY 13754), Stage I & II bond release from a quarry operation in Great Bend Township, **Susquehanna County** affecting 1.0 acre on property owned by Howard Colwell, Jr. Application received: October 28, 2009.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-943. Dept of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Tincum Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities:

1. To remove the existing Headquarters Road bridge (SR 1012, Sec 61M) and to construct and maintain, in its place, an approximately 28-foot long, 30-foot wide, and approximately 4-foot high single span spread box beam bridge across Sundale Creek (EV).

The site is located approximately 1,100 feet northeast of the intersection of Headquarters and Hollow Horn Roads in Tincum Township, Bucks County (Lumberville, PA-NJ USGS Quadrangle N: 17.86 inches; W: 14.72 inches).

2. To remove the existing Headquarters Road Bridge (SR 1012, Sec 61M) and to construct and maintain, in its place, an approximately 29.5-foot long, 16 foot wide, and approximately 7-foot high single span precast concrete arch culvert across unnamed tributary to Sundale Creek (EV).

The site is located near the intersection of Headquarter Road and Tettermer Road in Tincum Township, Bucks County (Lumberville, PA-NJ USGS Quadrangle N: 21.34 inches; W: 12.86 inches).

**E09-940. Dept. of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Haycock Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing Sawmill Road bridge and to construct and maintain, in its place, an approximately 28-foot long, 20-foot wide, and approximately 2.75-foot high box culvert across Kimples Creek (TSF).

The site is located approximately 1,100 feet west of the intersection of Sawmill and Old School Roads in Haycock Township, Bucks County (Quakertown, PA USGS Quadrangle N: 20.5 inches; W: 2.25 inches).

**E51-235. City of Philadelphia, PWD, Office of Watersheds, Aramark Tower**, 4th Floor, 11th and Market Streets, Philadelphia, PA 19107, **Philadelphia City and County**, ACOE Philadelphia District.

To perform the following Water Obstruction and Encroachment activities across/along Wise's Mill Run and Cathedral Run within the Fairmont Park:

1) To restore, stabilize, and maintain approximately 1,355 linear feet of Streambank.

2) To construct and maintain a stormwater management basin in the floodway of Cathedral Run.

The project will temporarily impact approximately 0.09 acre and permanently impact 0.01 acre of wetlands. The project commences along Cathedral Run, approximately 227 feet north of the intersection of Seffert Street and Kelly Place in the City and County of Philadelphia (Germantown, PA USGS Quadrangle N: 9.99 inches; W: 14.54 inches).

**E15-797. Borough of Atglen**, P. O. Box 250, Atglen, PA 19310, Atglen Borough, **Chester County**. ACOE Baltimore District.

*Old Gap-Newport Pike Bridge Replacement Project*

To remove the existing Old Gap-Newport Pike Bridge and to construct and maintain an approximately 52-foot span box beam bridge having underclearance of 6.54 feet in its place across the Valley Creek (TSF, MF).

The site is located approximately 35 feet north of the intersection of Steel Ville Mill Road and (Main Street) Old Gap Newport Road in the Borough of Atglen, Chester County (Parkesburg Quadrangle N: 12.33 inches; W: 13.55 inches).

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

**E52-217. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002, in Lackawaxen Township, Shohola Township, Milford Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain 41 water obstructions and encroachments in and along Tributary to West Falls Creek (HQ-CWF, MF), Lacakwaxen River (HQ-TSF) and

tributaries thereof, Lords Creek (HQ-CWF) and tributaries thereof, Shohola Creek (HQ-CWF) and tributaries thereof, Walker Lake Creek (HQ-CWF), Twin Lakes Creek (HQ-CWF), Savantine Creek (EV), Craft Brook (EV) and tributaries thereof, and impacting approximately 3,089 linear feet of wetlands (PEM, PFO, PSS, POW). This work is associated with Tennessee Gas Pipeline Company's 300 Line Project Loop 323, which includes the installation of approximately 17.79 miles of pipeline. The project begins approximately 6.26 miles northeast from the intersection of SR 0590 and U.S. Route 0006 in Lackawaxen Township and ends approximately 2.45 miles northeast of the intersection of Interstate 84 and U.S. Route 0006 in Milford Township (Narrowsburg, Rowland, Shohola, Pond Eddy, Milford, PA Quadrangle Latitude: 41° 30' 1"; Longitude: 41° 22' 25").

**E58-286. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002, in Auburn Township, Springville Township, Herrick Township, Uniondale Township and Clifford Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 47 water obstructions and encroachments in and along Little Meshoppen Creek (CWF) and tributaries thereof, Nick Creek (CWF) and tributaries thereof, Riley Creek (CWF, TS), West Branch Meshoppen Creek (CWF) and tributaries thereof, West Creek (CWF), White Creek (CWF) and tributaries thereof, Thomas Creek (CWF) and tributaries thereof, Stevens Creek (CWF) and tributaries thereof, Meshoppen Creek (CWF, TS) and tributaries thereof, East Branch Tunkhannock Creek (CWF) and tributaries thereof, Little Creek (CWF), West Branch Lackawanna River (CWF) and tributaries thereof, and the East Branch Lackawanna River (HQ-CWF) and impacting approximately 9,495 linear feet of wetlands (PEM, PFO, PSS, POW). This work is associated with Tennessee Gas Pipeline Company's 300 Line Project which includes the installation of approximately 13.91 miles of pipeline within Loop 319 and 4.49 miles of pipeline in Loop 321. The project begins approximately 0.53 mile southwest from the intersection of SR 0367 and T327 in Auburn Township and ends approximately 3.84 miles northeast of the intersection of SR 0171 and SR 0247 in Clifford Township (Laceyville, Auburn Center, Springville, Hop Bottom, Auburn Center, Clifford, Forest City, PA Quadrangle Latitude: Beginning 41° 42' 3" N and Ending 41° 42' 7" N; Longitude: Beginning 76° 7' 7" N and Ending 75° 27' 57" N).

**E64-282. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002, in Pleasant Mount Township, Clinton Township, Dyberry Township, Bethany Township, Honesdale Township and Berlin Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain 36 water obstructions and encroachments in and along West Branch Lackawaxen River (HQ-CWF) and tributaries thereof, Brace Brook (CWF) and tributaries thereof, Dyberry Creek (HQ-CWF) and tributaries thereof, Carley Brook (HQ-CWF) and tributaries thereof, Holbert Creek (HQ-CWF), Indian Orchard Brook (HQ-CWF) and tributaries thereof, and impacting approximately 4,762 linear feet of wetlands (PEM, PFO, PSS). This work is associated with Tennessee Gas Pipeline Company's 300 Line Project, Loop 321 which includes the installation of approximately 17.79 miles of pipeline. The project begins approximately 2.74 miles southwest from the intersection of SR 0670 and SR 0171 in Mount Pleasant Township and ends approximately 1.66 miles northeast of the intersection of SR 0652 and U.S.

Route 0006 in Berlin Township (Forest City, Alderville, Honesdale, White Mills, PA Quadrangle Latitude: Beginning 41° 42' 7" N, Ending 41° 33' 51" N; Longitude: Beginning 75° 27' 57" N, Ending 75° 11' 29" N).

**EA54-019: Borough of Schuylkill Haven**, 12 West Main Street, Schuylkill Haven, PA 17972. Schuylkill Haven Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To restore approximately four (4) acres of floodplain of the Schuylkill River by removing accumulated sediment and historical fills within the Borough of Schuylkill Haven. The project is located approximately 0.5 mile south of the SR 0443 bridge over the Schuylkill River (Friedensburg, PA Quadrangle Latitude: 40° 37' 13"; Longitude: -76° 10' 22").

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

**E67-874: Lloyd and Tammy Conway**, 1 East Church St Extended, Franklintown, PA 17019, Franklintown Borough, **York County**, ACOE Baltimore District.

The applicant proposes to: (1) install and maintain a 215-foot length of 12-inch stream enclosure in an unnamed tributary to North Branch Bermudian Creek (WWF); (2) restore 0.38 acre of wetlands; and (3) convert an existing pond into a stormwater management basin. The purpose of construction is for the development of a 16.45 acre subdivision resulting in 186 single family residential townhouse units (Hanover, PA Quadrangle N: 13.5 inches; W: 4.45 inches, Latitude: 40° 04' 25"; Longitude: 77° 01' 57"). Watershed 7F

**E06-651: Texas Eastern Transmission, LP**, Terrance Doyle, 890 Winter Street, Suite 300, Waltham, MA 02451, Kulps Road Project, Washington Township, **Berks County**, ACOE Philadelphia District.

To repair and maintain existing 24-inch and 30-inch diameter natural gas pipelines, temporarily impacting 0.43 acre of PEM wetlands, for the purpose of repairing the external coatings and correcting numerous metal loss anomalies in the pipelines. The project is located between Dale Road and Kulps Road in Washington Township, Berks County (Latitude: 40° 25' 23" N; Longitude: 75° 36' 33" W).

**E44-141: CENPA Development, LLC**, 38 Clayburgh Road, Thornton, PA 19373, Quillas Creek Sanitary Sewerline Construction, Brown Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain an 8-inch diameter sanitary sewerline in a exceptional value wetland, impacting 0.220 acre and related manholes along the floodplain of Kishacoquillas Creek (CWF) for the construction of a development called "Quillas Creek," located 3,000 feet upstream of US 322 bridge (Burnham, PA Quadrangle N: 6.66 inches; W: 13.98 inches, Latitude: 40° 39' 42"; Longitude: 77° 36' 03") in Brown Township, Mifflin County.

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

**E14-527. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH, 44130. Wilderness Fiber Optic Project, in Rush, Worth, Huston, Patton, Fergusson, Harris, Potter, Gregg, Penn, and Haines Townships and in Phillipsburg, Port Matilda and Millheim Boroughs, **Centre County**, ACOE Baltimore 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 60.7 miles of Centre County will be traversed by the proposed project beginning at the Clearfield County/Centre County boarder on SR 322 bridge over Moshannon Creek and ending at the Centre-Union County boarder on SR 0045. The applicant proposes to cross a total of 43 streams in Centre County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Phillipsburg Bor	40° 54' 09.00"	78° 13' 40.42"	Moshannon Creek	TSF
Phillipsburg Bor	40° 54' 00.85"	78° 12' 36.55"	Cold Stream Creek	CWF
Worth Twp	40° 48' 34.31"	78° 04' 20.68"	Laurel Run	CWF
Port Matilda Bor	40° 48' 06.47"	78° 03' 05.28"	Oliver Run	CWF
Worth Twp	40° 48' 30.40"	78° 02' 40.25"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 48' 45.62"	78° 02' 22.41"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 48' 55.93"	78° 02' 08.61"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 09.64"	78° 01' 53.36"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 17.17"	78° 01' 44.95"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 18.85"	78° 01' 42.99"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 21.81"	78° 01' 39.53"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 24.46"	78° 01' 35.84"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 28.88"	78° 01' 28.75"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 30.43"	78° 01' 26.40"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 32.50"	78° 01' 23.08"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 35.01"	78° 01' 19.04"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 39.98"	78° 01' 10.83"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 41.62"	78° 00' 51.67"	Bald Eagle Creek	TSF
Patton Twp	40° 49' 39.46"	77° 57' 40.07"	Buffalo Run	HQ-CWF
Patton Twp	40° 49' 24.13"	77° 56' 41.43"	Buffalo Run	HQ-CWF
Patton Twp	40° 48' 48.62"	77° 56' 27.37"	Trib to Buffalo Run	HQ-CWF
Patton Twp	40° 48' 47.57"	77° 56' 28.60"	Trib to Buffalo Run	HQ-CWF
Patton Twp	40° 48' 47.26"	77° 56' 29.15"	Trib to Buffalo Run	HQ-CWF
Ferguson Twp	40° 47' 19.91"	77° 54' 28.28"	Trib to Spring Creek	HQ-CWF
Ferguson Twp	40° 46' 02.53"	77° 53' 08.34"	Trib to Slab Cabin Run	HQ-CWF
Ferguson Twp	40° 45' 02.15"	77° 52' 06.49"	Slab Cabin Run	HQ-CWF
Ferguson Twp	40° 45' 16.78"	77° 51' 18.39"	Trib to Slab Cabin Run	HQ-CWF
Harris Twp	40° 45' 34.72"	77° 50' 38.49"	Trib to Slab Cabin Run	HQ-CWF
Harris Twp	40° 45' 50.85"	77° 49' 47.61"	Roaring Run	HQ-CWF
Harris Twp	40° 46' 49.66"	77° 47' 56.39"	Branch of Spring Creek	HQ-CWF
Harris Twp	40° 46' 37.45"	77° 47' 20.76"	Spring Creek	HQ-CWF
Harris Twp	40° 46' 36.89"	77° 47' 14.64"	Spring Creek	HQ-CWF
Potter Twp	40° 47' 48.80"	77° 43' 47.08"	Trib to Cedar Run	CWF
Potter Twp	40° 47' 55.41"	77° 43' 36.37"	Trib to Cedar Run	CWF
Gregg Twp	40° 51' 22.81"	77° 34' 27.08"	Penns Creek	CWF
Gregg Twp	40° 51' 38.54"	77° 33' 32.16"	Trib to Penns Creek	CWF
Gregg Twp	40° 51' 50.32"	77° 33' 12.19"	Trib to Penns Creek	CWF
Penn Twp	40° 52' 45.65"	77° 31' 15.61"	Trib to Elk Creek	EV, Chapter 93
Penn Twp	40° 53' 07.51"	77° 30' 00.51"	Trib to Elk Creek	EV, Chapter 93
Millheim Bor	40° 53' 28.51"	77° 28' 27.21"	Elk Creek	EV, Chapter 93
Haines Twp	40° 54' 15.90"	77° 24' 05.03"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93

Haines Twp	40° 54' 17.07"	77° 23' 21.99"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93
Haines Twp	40° 54' 16.88"	77° 23' 20.51"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93
Haines Twp	40° 54' 14.83"	77° 23' 11.21"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93
Haines Twp	40° 53' 56.44"	77° 21' 25.13"	Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93

**E17-453. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Clearfield County**, ACOE Baltimore 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 36.3 miles of Clearfield County will be traversed by the proposed project beginning at the Jefferson County/Clearfield County boarder on SR 0322 and ending at the Clearfield-Centre County boarder on SR 0322 Bridge over Moshannon Creek. The applicant proposes to cross a total of 21 streams in Clearfield County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Union Twp	41° 05' 19.99"	78° 48' 63.55"	Soldier Run	CWF
Union Twp	41° 05' 16.17"	78° 47' 48.77"	Soldier Run	CWF
Union Twp/ Bloom Twp	41° 01' 36.62"	78° 40' 15.54"	Little Anderson Creek	CWF
Bloom Twp	41° 00' 56.99"	78° 37' 39.74"	Trib to Anderson Creek	CWF
Bloom Twp	41° 00' 56.76"	78° 37' 37.77"	Trib to Anderson Creek	CWF
Pike Twp	40° 59' 17.91"	78° 34' 33.73"	Trib to Anderson Creek	CWF
Pike Twp	40° 58' 35.82"	78° 32' 54.58"	Katzer Run	CWF
Curwensville Bor	40° 58' 45.37"	78° 32' 13.14"	Trib to Anderson Creek	CWF
Pike Twp	40° 58' 31.22"	78° 32' 48.09"	Anderson Creek	CWF
Pike Twp	40° 58' 27.41"	78° 32' 39.08"	Anderson Creek—back channel	CWF
Pike Twp/ Lawrence Twp	40° 58' 25.70"	78° 29' 26.54"	W. Branch Susquehanna River	CWF
Lawrence Twp	40° 58' 18.43"	78° 25' 59.57"	Laurel Run	CWF
Lawrence Twp/ Boggs Twp	40° 58' 17.10"	78° 24' 25.14"	Clearfield Creek	WWF
Boggs Twp	40° 58' 15.42"	78° 24' 02.48"	Trib to Clearfield Creek	CWF
Boggs Twp	40° 58' 09.06"	78° 23' 45.16"	Trib to Clearfield Creek	CWF
Boggs Twp	40° 58' 02.58"	78° 23' 08.81"	Trib to Morgan Run	CWF
Boggs Twp	40° 57' 33.12"	78° 21' 29.99"	Trib to Simeling Run	HQ-CWF
Boggs Twp	40° 57' 07.64"	78° 20' 30.67"	Simeling Run	HQ-CWF
Boggs Twp	40° 56' 00.38"	78° 18' 14.30"	Simeling Run	HQ-CWF
Boggs Twp	40° 55' 42.55"	78° 16' 57.13"	Simeling Run	HQ-CWF
Decatur Twp	40° 54' 52.03"	78° 15' 22.43"	Laurel Run	CWF

**E49-304. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Northumberland County**, ACOE Baltimore 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 28.2 miles of Northumberland County will be traversed by the proposed project beginning at the Snyder County/Northumberland County boarder on SR 0061 Susquehanna River Bridge Crossing and ending at the Northumberland County/Columbia County boarder on SR 0054. The applicant proposes to cross a total of 27 streams in Northumberland County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Sunbury Bor	40° 51' 32.86"	76° 46' 32.28"	Shamokin Creek	WWF
Upper Augusta Twp	40° 51' 31.44"	76° 45' 58.82"	Little Shamokin Creek	CWF
Shamokin Twp	40° 51' 31.10"	76° 41' 23.69"	Trib to Plum Creek	CWF
Shamokin Twp	40° 51' 07.49"	76° 40' 19.32"	Trib to Shamokin Creek	CWF

Shamokin Twp	40° 51' 07.67"	76° 40' 17.52"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 08.24"	76° 39' 27.29"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 08.28"	76° 39' 07.37"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 06.24"	76° 38' 49.99"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 03.13"	76° 38' 14.19"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 02.53"	76° 38' 06.99"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 01.18"	76° 37' 50.33"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 01.00"	76° 37' 47.87"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 59.72"	76° 37' 32.13"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 59.32"	76° 37' 26.98"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 58.82"	76° 37' 20.25"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 57.51"	76° 37' 05.53"	Trib to Lick Creek	CWF
Shamokin Twp/ Ralpho Twp	40° 50' 21.91"	76° 35' 02.97"	Shamokin Creek	WWF
Ralpho Twp	40° 50' 20.94"	76° 34' 53.13"	Millers Run	CWF
Ralpho Twp	40° 50' 25.13"	76° 34' 30.17"	Millers Run	CWF
Ralpho Twp	40° 49' 54.43"	76° 33' 24.75"	Trib to Millers Run	CWF
Ralpho Twp	40° 49' 51.63"	76° 32' 39.22"	Millers Run	CWF
Ralpho Twp	40° 49' 51.86"	76° 32' 03.80"	Millers Run	CWF
Coal Twp	40° 49' 18.55"	76° 29' 45.30"	Trib to S. B. Roaring Crk	HQ-CWF
Mt. Carmel Twp	40° 47' 42.01"	76° 26' 01.11"	North Branch Shamokin Creek	CWF
Mt. Carmel Twp	40° 47' 28.98"	76° 26' 26.82"	North Branch Shamokin Creek	CWF
Mt. Carmel Twp	40° 46' 05.59"	76° 25' 53.21"	Trib to N. B. Shamokin Crk	CWF
Mt. Carmel Twp	40° 46' 44.68"	76° 26' 47.29"	Trib to N. B. Shamokin Crk	CWF

**E55-224. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Snyder County**, ACOE Baltimore 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 8.2 miles of Snyder County will be traversed by the proposed project beginning at the Union County/Snyder County boarder on SR 2002 County Line Road and ending at the Snyder County/Northumberland County boarder on SR 0061 Susquehanna River Bridge Crossing. The applicant proposes to cross a total of 4 streams in Snyder County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Monroe Twp	40° 53' 12.85"	76° 55' 32.14"	Trib to Penns Creek	CWF
Monroe Twp	40° 53' 14.84"	76° 53' 12.09"	Trib to Penns Creek	CWF
Monroe Twp	40° 51' 27.73"	76° 48' 44.03"	Trib to Susquehanna River	WWF
Shamokin Dam Bor	40° 51' 07.54"	76° 48' 45.53"	Susquehanna River	WWF

**E60-203. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Union County**, ACOE Baltimore 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 20.2 miles of Union County will be traversed by the proposed project beginning at the Centre County/Union County boarder on SR 0045 and ending at the Union County/Snyder County boarder on SR 2002 County Line Road. The applicant proposes to cross a total of 26 streams in Union County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Hartley Twp	40° 54' 32.50"	77° 16' 10.24"	Laurel Run	CWF
Hartley Twp	40° 54' 21.28"	77° 16' 40.94"	Sheesly Run	CWF
Hartley Twp	40° 54' 15.19"	77° 14' 32.83"	Trib to Laurel Run	CWF
Hartley Twp	40° 54' 16.95"	77° 14' 26.78"	Hickernell Spring/Laurel Run	CWF
Hartley Twp	40° 54' 15.43"	77° 13' 16.50"	Trib to Laurel Run	CWF
Hartley Twp	40° 54' 11.00"	77° 12' 37.17"	Story Run	CWF

Hartley Twp	40° 53' 53.66"	77° 11' 34.27"	Spruce Run	HQ-CWF
Hartley Twp	40° 53' 52.16"	77° 11' 30.39"	Trib to Spruce Run	HQ-CWF
Hartley Twp	40° 53' 52.85"	77° 10' 53.39"	Trib to Laurel Run	CWF
Hartley Twp	40° 53' 55.78"	77° 10' 22.83"	Trib to Penns Creek	HQ-CWF
Hartleton Bor	40° 53' 58.93"	77° 09' 05.51"	Cold Run	TSF
Hartleton Bor	40° 53' 56.65"	77° 08' 53.61"	Trib to Cold Run	TSF
Lewis Twp	40° 53' 51.79"	77° 08' 32.42"	Trib to Cold Run	TSF
Lewis Twp	40° 53' 18.67"	77° 07' 21.62"	Trib to Penns Creek	CWF
Limestone Twp	40° 53' 01.16"	77° 05' 12.41"	Cedar Run	CWF
Limestone Twp	40° 53' 19.67"	77° 04' 20.91"	Trib to Penns Creek	CWF
Limestone Twp	40° 53' 24.38"	77° 03' 09.21"	Trib to Penns Creek	CWF
Limestone Twp	40° 53' 24.73"	77° 02' 22.23"	Trib to Sweitzers Run	CWF
Limestone Twp	40° 53' 19.14"	77° 02' 19.32"	Sweitzers Run	CWF
Limestone Twp	40° 52' 58.27"	77° 01' 48.00"	Trib to Sweitzers Run	CWF
Limestone Twp	40° 52' 27.64"	77° 00' 59.59"	Trib to Sweitzers Run	CWF
Limestone Twp	40° 52' 27.36"	77° 00' 26.67"	Trib to Penns Creek	CWF
Limestone Twp	40° 52' 40.47"	76° 59' 44.27"	Trib to Penns Creek	CWF
Limestone Twp	40° 52' 51.36"	76° 58' 13.44"	Trib to Penns Creek	CWF
Union Twp	40° 53' 05.59"	76° 57' 07.31"	Trib to Penns Creek	CWF
Union Twp	40° 53' 14.83"	76° 56' 12.62"	Trib to Penns Creek	CWF

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

**E10-454, Cranberry Business Park Associates, LP**, 210 West Kensinger Drive, Suite 400, Cranberry Township, PA 16066. Cranberry Business Park Lot 300, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 42' 38"; W: 80° 6' 55").

The applicant is proposing to construct a 12 acre commercial development on Lot 300 in the Cranberry Business Park including a 54,000 square foot building and associated parking and infrastructure involving: 1) to fill 0.02 acre of PEM wetland; and 2) to fill 125 linear feet of a UNT Brush Creek having a drainage area less than 100 acres. UNT Brush Creek is classified as a warm water fishery.

**E16-139, Northeastern ITS**, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Clarion 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 23.3 miles of Clarion County will be traversed by the proposed project beginning at the Venango-Clarion County boarder on US-322 and ending at the Clarion-Jefferson County boarder on US-322. The applicant proposes to cross a total of 17 streams in Clarion County via boring, trenching, or bridge attachment. The proposed crossings are listed below from west to east.

1. Trib to Pine Run (CWF), N: 41° 17' 29.70"; W: 79° 35' 02.61", Ashland Twp.

2. Trib to Little East Sandy Creek (CWF), N: 41° 17' 13.99"; W: 79° 34' 45.35", Ashland Twp.

3. Trib to Little East Sandy Creek (CWF), N: 41° 16' 52.56"; W: 79° 33' 37.14", Ashland Twp.

4. Trib to Canoe Creek (HQ-CWF), N: 41° 16' 23.72"; W: 79° 32' 13.31", Ashland Twp.

5. Trib to Canoe Creek (HQ-CWF), N: 41° 16' 22.39"; W: 79° 31' 44.02", Ashland Twp.

6. Trib to Deer Creek (CWF), N: 41° 15' 53.93"; W: 79° 29' 41.85", Elk Twp.

7. Trib to Deer Creek (CWF), N: 41° 15' 29.36"; W: 79° 28' 35.95", Elk Twp.

8. Deer Creek (CWF), N: 41° 15' 21.27"; W: 79° 28' 19.51", Elk Twp.

9. Paint Creek (CWF), N: 41° 14' 47.69"; W: 79° 26' 49.01", Elk Twp.

10. Trib to Clarion River (CWF), N: 41° 13' 35.18"; W: 79° 24' 17.56", Paint Twp.

11. Clarion River (CWF), N: 41° 13' 33.69"; W: 79° 24' 09.69", Paint Twp.

12. Trib to Clarion River (CWF), N: 41° 12' 12.52"; W: 79° 21' 22.95", Clarion Twp.

13. Trib to Brush Run (CWF), N: 41° 12' 06.20"; W: 79° 19' 12.13", Strattanville Borough.

14. Trib to Brush Run (CWF), N: 41° 12' 02.75"; W: 79° 19' 05.00", Strattanville Borough.

15. Trib to Douglass Run (CWF), N: 41° 11' 24.93"; W: 79° 16' 50.34", Clarion Twp.

16. Douglass Run (CWF), N: 41° 11' 10.01"; W: 79° 15' 36.11", Clarion Twp.

17. Trib to Little Piney Creek (CWF), N: 41° 10' 47.55"; W: 79° 13' 10.05", Clarion Twp.

**E33-238, Northeastern ITS**, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Jefferson 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 25.2 miles of Jefferson County will be traversed by the proposed project beginning at the Clarion-Jefferson County boarder on US-322 and ending at the Jefferson-Clearfield County boarder on US-322. The applicant proposes to cross a total of 29 streams in Jefferson County via boring, trenching, or bridge attachment. The proposed crossings are listed below from west to east.

18. Welch Run (CWF), N: 41° 10' 48.20"; W: 79° 11' 50.72", Corsica Borough.

19. Trib to Coder Run (CWF), N: 41° 10' 40.38"; W: 79° 10' 48.41", Union Twp.

20. Coder Run (CWF), N: 41° 10' 40.45"; W: 79° 10' 46.57", Union Twp.

21. Coder Run (CWF), N: 41° 10' 40.58"; W: 79° 10' 44.68", Union Twp.

22. Coder Run (CWF), N: 41° 10' 40.81"; W: 79° 10' 40.49", Union Twp.

23. Trib to Coder Run (CWF), N: 41° 10' 37.49"; W: 79° 10' 16.71", Union Twp.

24. Trib to Coder Run (CWF), N: 41° 10' 38.49"; W: 79° 09' 34.08", Union Twp.

25. Trib to Campbell Run (CWF), N: 41° 10' 25.03"; W: 79° 07' 52.21", Union Twp.

26. Campbell Run (CWF), N: 41° 10' 15.32"; W: 79° 07' 25.60", Rose Twp.

27. Trib to Clement Run (CWF), N: 41° 10' 03.17"; W: 79° 06' 38.32", Rose Twp.

28. North Fork River (HQ-CWF), N: 41° 09' 31.97"; W: 79° 04' 36.37", Brookville Borough.

29. Mill Creek (TSF), N: 41° 09' 23.47"; W: 79° 03' 11.05", Pine Creek Twp.

30. Trib to Sandy Lick Creek (TSF), N: 41° 08' 01.97"; W: 78° 59' 29.39", Pine Creek Twp.

31. Trib to O'Donnell Run (CWF), N: 41° 07' 20.98"; W: 78° 57' 55.34", Pine Creek Twp.

32. Trib to O'Donnell Run (CWF), N: 41° 07' 17.17"; W: 78° 57' 04.22", Pine Creek Twp.

33. O'Donnell Run (CWF), N: 41° 07' 21.47"; W: 78° 56' 14.91", Winslow Twp.

34. Trib to Schoolhouse Run (HQ-CWF), N: 41° 07' 04.19"; W: 78° 55' 30.78", Winslow Twp.

35. Trib to Schoolhouse Run (HQ-CWF), N: 41° 07' 59.43"; W: 78° 55' 15.73", Winslow Twp.

36. Schoolhouse Run (HQ-CWF), N: 41° 07' 10.22"; W: 78° 54' 40.15", Winslow Twp.

37. Trib to Schoolhouse Run (HQ-CWF), N: 41° 07' 04.34"; W: 78° 54' 25.73", Winslow Twp.

38. Trib to Schoolhouse Run (HQ-CWF), N: 41° 06' 57.88"; W: 78° 54' 18.07", Winslow Twp.

39. Sandy Lick Creek (TSF), N: 41° 05' 57.33"; W: 78° 53' 31.09", Reynoldsville Borough.

**E61-289, Northeastern ITS**, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Venango 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 24.1 miles of Venango County will be traversed by the proposed project beginning at the Mercer-Venango County boarder on SR 1014 and ending at the Venango-Clarion County boarder on US-322. The applicant proposes to cross a total of 15 streams in Venango County via boring, trenching, or bridge attachment. The proposed crossings are listed below from west to east.

40. Trib to Little Sandy Creek (HQ-CWF), N: 41° 24' 16.44"; W: 79° 58' 23.59", French Creek Twp.

41. Trib to French Creek (WWF), N: 41° 23' 49.37"; W: 79° 54' 41.59", French Creek Twp.

42. Trib to French Creek (WWF), N: 41° 23' 51.99"; W: 79° 53' 03.73", French Creek Twp.

43. Trib to French Creek (WWF), N: 41° 24' 03.39"; W: 79° 52' 10.59", French Creek Twp.

44. Trib to French Creek (WWF), N: 41° 24' 01.35"; W: 79° 51' 46.60", French Creek Twp.

45. Trib to French Creek (WWF), N: 41° 23' 53.48"; W: 79° 51' 16.59", French Creek Twp.

46. Allegenheny River (WWF), N: 41° 23' 18.27"; W: 79° 49' 04.31", Franklin Borough.

47. Lower Two Mile Run (CWF), N: 41° 22' 24.18"; W: 79° 48' 05.32", Cranberry Twp.

48. Trib to Allegenheny River (WWF), N: 41° 21' 49.47"; W: 79° 45' 53.06", Cranberry Twp.

49. Burford Run (CWF), N: 41° 21' 34.75"; W: 79° 44' 57.61", Cranberry Twp.

50. Halls Run (CWF), N: 41° 20' 36.43"; W: 79° 41' 52.62", Cranberry Twp.

51. Trib to East Sandy Creek (CWF), N: 41° 19' 46.92"; W: 79° 40' 19.33", Cranberry Twp.

52. Trib to East Sandy Creek (CWF), N: 41° 19' 35.75"; W: 79° 40' 01.91", Cranberry Twp.

53. East Sandy Creek (CWF), N: 41° 19' 01.88"; W: 79° 39' 17.76", Rockland/Cranberry Twp.

54. Trib to Little East Sandy Creek (CWF), N: 41° 18' 32.95"; W: 79° 37' 50.10", Rockland Twp.

#### DAM SAFETY

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

**D48-149A. PPL Martins Creek, LLC, PPL Martins Creek, LLC, c/o Steve Holler**, Two North Ninth Street, GenPl6, Allentown, PA 18101. To modify the Martins Creek Ash Basin No. 4 across a tributary to Oughoughton Creek, impacting 0 acres of wetlands and 0 feet of stream channel, for the purpose of closing and deregulating Ash Basin No. 4 Dam (Belvidere, NJ, PA Quadrangle N: 10 inches; W: 16 inches) in Lower Mount Bethel Township, **Northampton County**.



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**ACTIONS**


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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061026 (Sewage)	Big Pocono Utilities, Inc. (Ski Side Village and Chateau Resort) Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek (#1E)	Y
PA0064343 (Industrial Waste)	Pennsylvania American Water Company Stony Garden Water Treatment Plant Wind Gap, PA	Monroe County Hamilton Township	Ross Common Creek (#2B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0246760 (IW)	Franklin County General Authority 5540 Coffey Avenue Chambersburg, PA 17201	Franklin County Greene Township	Dry swale to UNT of Conococheague Creek 13-C	Y
PA0246417 (Stormwater)	State Line Salvage, Inc. 675 Nottingham Road Peach Bottom, PA 17563	Lancaster County Fulton Township	UNT to the Conowingo Creek 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228796	Matthew M. Barr 1957 Halfmoon Valley Road Port Matilda, PA 16870	Centre County Halfmoon Township	Halfmoon Creek (SWP 11A)	Y
PA0228788 (Sewage)	Evergreen Youth Services, Inc. R. D. 1 Box 468 Mifflinville, PA 17059	Beccaria Township Clearfield County	Drainage swale to Cofinan Run (SWP 8C)	Y
PA0020672	Washington Municipal Authority Route 254 Washingtonville, PA 17884	Montour County Derry Township	Chillisquaque Creek (SWP 10D)	Y
PA0208647	Kratzer Run Sewer Authority 1265 Stonarch Road Grampian, PA 16838	Clearfield County Penn Township	Kratzer Run (SWP 8B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100315	Farma Parks, Inc. 87 Hughey Road Greenville, PA 16125-9628	Perry Township Mercer County	Unnamed tributary of Little Shenango River 20-A	Y

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

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

**NPDES Permit No. 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. PA0058831**, Industrial Waste, **Queens Produce, LLC**, 554 Creek Road, Kennett Square, PA 19348. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated wastewater from rinsing and cooking of mushrooms to the East Branch Red Clay Creek in Watershed 3I.

**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 storm water 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.*

**NPDES Permit No. PA0064262**, Industrial Waste, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. The existing facility is located in Washington Township, **Lehigh County**.

Description of Proposed Action/Activity: Denial of an NPDES Permit renewal for the Slatington Maintenance Facility.

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


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

**WQM Permit No. 3602411**, Sewage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 787, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for modification/operation of sewage facilities consisting of conversion to a fine bubble diffuser system.

**WQM Permit No. 2209403**, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement of 2,883 lineal feet of sewers in Asylum Run Mini-Basin AR-A from Manhole 139.02 to a connection to the Susquehanna Township Sewer Authority at Manhole 553A.

**WQM Permit No. 3691201, Amendment No. 09-1**, Sewage, **Valley Proteins, Inc.**, 151 ValPro Drive, P. O. Box 3588, Winchester, VA 22604. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/modification/operation of industrial wastewater facilities consisting of conversion of WWTP operation to the Modified Ludzack Ettinger process for denitrification.

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

**WQM Permit No. 4709402**, Sewage 4952, **Danville Municipal Authority**, P. O. Box 179, 12 West Market St., Danville, PA 17821. This proposed facility is located in Danville Borough, **Montour County**.

Description of Proposed Action/Activity: The applicant proposes to upgrade their sewage plant for nitrogen and phosphorus removal.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 4609002	Montgomery County Community College 101 College Drive Pottstown, PA 19464	Montgomery	Pottstown Borough	Schuylkill River (WWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904022 (1)	Lehigh Valley Health Network Cedar Crest & I-78 P. O. Box 689 Allentown, PA 18105	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF, MF
PAI025204003R	Milford Realty Building Associates, LLC 26 Columbia Turnpike Florham Park, NJ 07932	Pike	Dingman Township	Sawkill Creek EV, MF
PAI024809009	PP&L Renewable Energy, LLC Two North Ninth St. Allentown, PA 18101	Northampton	Forks Township	Unnamed Tributary to Bushkill Creek HQ-CWF, MF
PAI026409001	Indian Orchard Holdings Company 1065 Highway 315 Suite 102 Wilkes-Barre, PA 18702	Wayne	Texas Township	Unnamed Tributary to Lackawaxen Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108012	Saint Patrick Catholic Church William C. Forrey 140 East Pomfret Street Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run EV-MF
PAI032805007-1	Department of Military & Veterans Affairs Pa Army National Guard Building 0-47 Fort Indiantown Gap Annville, PA 17003	Franklin	Guilford and Quincy Townships	Racoon Creek HQ-CWF

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

*Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR104724R(1)	Edward J. Rothermel 2223 Oakwood Dr. Danville, PA 17821	Montour	Liberty Township	Chillisquaque Creek WWF

*Northumberland County Conservation District: R. R. 3, Box 238-C, Sunbury, PA 17801, (570) 286-7114, Ext. 4..*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR1094923R	MAIDA Belford Addition Housel's Road & Marsh Road Montandon, PA	Northumberland	Milton Borough	UNT to West Branch of Susquehanna River WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509001	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Ligonier Township	Laughlintown Run (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 &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedminster Township Bucks County	PAG200 0904028-R	Twin Oaks Associates, Inc. P. O. Box 320 Bedminster, PA 18917	Unnamed Tributary Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Towamencin Township Montgomery County	PAG200 4607079-1	CFC Towamencin Properties, Inc. 2700 Funks Road Hatfield, PA 19440	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4603128-R	Toll Brothers, Inc. 250 Gibraltar Road Suite 2E Horsham, PA 19044	Unnamed Tributary Port Providence Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG200 4609084	Carol Ganovsky 79 West Ridge Pike Limerick, PA 19468	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower & Upper Gwynedd Townships Montgomery County	PAG200 4609073	Southeastern Pennsylvania Transportation Authority 1234 Market Street Philadelphia, PA 19107	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4609056	Sullivan Augustine 465 Stratford Avenue Collegeville, PA 19426	Donny Brook Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Collegeville Borough Montgomery County	PAG200 4609029-R	Lower Perkiomen Valley Regional Sewer Authority 101 Station Avenue P. O. Box 297 Oaks, PA 19456	Perkiomen Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG200 4603119-R	Westrum Development Corporation 370 Commerce Drive Ft. Washington, PA 19034	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5109032	Help, USA, Inc. 5 Hanover Square New York, NY 10004	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Scranton City Lackawanna Co.	PAG2003509018 (1)	David Wilson University of Scranton 900 Mulberry St. Scranton, PA 18510	Lackawanna River CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Throop Borough Lackawanna Co.	PAG2003509009 (1)	David Hawk Gertrude Hawk Chocolates 9 Keystone Industrial Park Dunmore, PA 18512	UNT to Eddy Creek WWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Peach Bottom Township York County	PAG2006704080-R	Bob Ward Companies 2700 Philadelphia Road Edgewood, MD 21040	Scott Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430

## NOTICES

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<i>Facility Location: Municipality &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre Township Berks County	PAG2000609028	Harold L. Spatz The Village at Irish Creek, LLC 290 Irish Creek Road Mohrsville, PA 19541	Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000609050	Robert & Estelle Harron Harron's Insulation 1120 Commons Boulevard Reading, PA 19605	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Reading City Berks County	PAG2000609027	City of Reading Police Department Chief William Heim 815 Washington Street Reading, PA 19601	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Springettsbury Township York County	PAG2006709048	Kenneth Snyder Capital Self Storage East York, LP 44044 Carlisle Road Dover, PA 17315	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Codorus Township York County	PAG2006706064-1	Jeffrey Powers Codorus Ventures, LLC 113 Westminster Road Suite 200 Reisterstown, MD 21136	UNT to Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Williams Township Dauphin County	PAG2002209035	Michael Keiser Pennsylvania Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Middletown Borough Dauphin County	PAG2002209030	Dennis Schmidt Oak Grove High Street, LLC 1000 North Front Street Suite 500 Wormleysburg, PA 17043	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Carroll Township York County	PAG2006703141-R	John Huenke Stonebridge Investments LP 1 Market Way East Suite 401 York, PA 17401	Fisher's Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
York Township York County	PAG2006709062	Dale Hevesy Gemcraft Homes 2205-A Commerce Road Forest Hill, MD 21050	UNT to Barshingers Creek—Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Oley and Pike Townships Berks County	PAG2000609008	Maybelle Bryan Dutch Valley Property Management 486 Landis Store Road Boyertown, PA 19608	Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201

<i>Facility Location: Municipality &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Carroll Township Perry County	PAG2035009007	Joseph M. Magaro 1325 Bower Road Shermans Dale, PA 17090	Pisgah Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 717-582-5119
Guilford Township Franklin County	PAG2002809026	Franklin County Technical School Authority 2463 Loop Road Chambersburg, PA 17201	UNT to Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Washington Township Franklin County	PAG2002809027	David Neibert 14898 Wayne Highway Waynesboro, PA	West Branch Antietam Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Guilford, Hamilton, St. Thomas and Peters Townships Franklin County	ESCGP-1-28- 09-027	Texas Eastern Transmission 890 Winter Street Suite 300 Waltham, MA 02451	Conococheague Creek CWF-TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Lurgan Township Franklin County	PAG2002809029	Ted Wellman The Beaver Excavating 2000 Beaver Place Avenue SW Canton, OH 44706	Clippingers Run WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Peters Township Franklin County	PAG2002809031	Keith Mackling Atlas Copoco Secoroc 13278 Lincolnway West Fort Loudon, PA 17224	UNT to Conococheague Creek TSF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Wysox Township Bradford County	PAG2000809008	Dean Sanderson Wilson Industries P. O. Box 7 Wysox, PA 18854	UNTs to Susquehanna River WWF/MF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Lower Mahanoy Township Northumberland County	PAG2004909011	Gratz National Bank Westside of SR 147 & intersection of SR 147 & SR 225 near Mandata	Fiddler's Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Monroe Township Snyder County	PAG2005509009	NT Management, Inc. James Baish 1012 Wesley Drive Mechanicsburg, PA 17055	UNT to Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Westmoreland County Salem Township	PAG2005609020	Salem Township Recreation Initiative Ron Martz R. D. 4 Box 200 Greensburg, PA 15601	Whitehorn Creek (WWF)	Westmoreland County CD 724-837-5271
Westmoreland County City of Latrobe	PAG2006509023	Latrobe-Unity Parks & Recreation Jeanne A. Ashley 901 Jefferson Street Latrobe, PA 15650	Loyalhanna Creek (WWF)	Westmoreland County CD 724-837-5271

<i>Facility Location: Municipality &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Hempfield Township	PAG2006509029	CPC, Inc. David Capozzi 508 Division Street Jeannette, PA 15644	UNT to Brush Creek (WWF)	Westmoreland County CD 724-837-5271
Venango County Cranberry Township	PAG2006109005	Dept of Transportation 255 Elm Street P. O. Box 398 Franklin, PA 16323	Halls Run CWF	Venango County Conservation District 814-676-2832
Erie County City of Corry	PAG2002509008	Corry Memorial Hospital 612 West Smith Street Corry, PA 16407	UNT Hare Creek CWF	Erie County Conservation District 814-825-6403

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hazle Township Luzerne County	PAR802236	Pitt Ohio Express, LLC (Hazleton Terminal) 15 27th Street Pittsburgh, PA 15222	Unknown Tributary to Tomhicken Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 570-826-2511
Cumberland County Hampden Township	PAR803647	New Penn Motor Express, Inc. c/o YRC Worldwide, Inc. 1077 Gorge Blvd. Akron, OH 44310	UNT to Cedar Run CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Muhlenberg Township	PAR803505	New Penn Motor Express, Inc. c/o YRC Worldwide, Inc. 1077 Gorge Blvd. Akron, OH 44310	Laurel Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Mt. Joy Borough	PAR123533	Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570	UNT to Donegal Creek CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Lampeter Township	PAR233537	Johnson & Johnson Merck Consumer Pharmaceuticals Company 1838 Colonial Village Lane Lancaster, PA 17601-6700	Stauffer Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Hanover Borough	PAR203550	Gerard Daniel Worldwide 34 Barnhart Drive Hanover, PA 17331-9586	Oil Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Lampeter Township	PAR203574	High Steel Structures, Inc. 1853 William Penn Way Lancaster, PA 17601	UNT Conestoga River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Swatara Township	PAR803624	Pitt Ohio Express, Inc. 15 27th St Pittsburgh, PA 15222	UNT Spring Creek CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Douglass Township	PAR603565	AE Minotto Used Auto Parts, Inc. 1496 Benjamin Franlin Highway Douglassville, PA 19518	Schuylkill River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Potter County Genesee Township	PAR404804	Dominion Transmission, Inc. 685 Pump Street Genesee, PA 16923	Rose Lake Run to West Branch of Genesee River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
East Pittsburgh Borough Allegheny County	PAR806213	RIDC Southwestern PA 425 Sixth Avenue Suite 500 Pittsburgh, PA 15219	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Richland Township Cambria County	PAR126105	Pepsi Bottling Group, LLC 167 Allenbill Drive Johnstown, PA 15904	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Summit Township Butler County	PAR808348	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Connoquenessing Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cheltenham Township Montgomery County	PAG050085	Coventry House, Inc. 7301 Coventry Avenue Melrose, PA 19027	Mill Run	Southeast Region Office 2 East Main Street Norristown, PA 19401
White Township Indiana County	PAG056225-A1	United Refining Company of PA P. O. Box 688 15 Bradley Street Warren, PA 16365-3444	McCarthy Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
North East Madison Township Perry County	PAG070003 PAG073508	Synagro	Jack Coble Farm North East Madison Township Perry County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name & Location**Contact Office & Phone  
No.*

North East Madison  
Township  
Perry County

PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

Synagro  
1605 Dooley Rd.  
P. O. Box B  
Whiteford MD, 21160

Jack Coble Farm  
North East Madison  
Township  
Perry County

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

**STATE CONSERVATION COMMISSION**

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

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, 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 of the Board at (717) 787-3483 for more information.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approval or Disapproval</i>
Douglas E. Rohrer 1728 Bridge Road Lancaster, PA 17602	Lancaster	705	835.2	Layers	NA	Approved

**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**

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

**Permit No. 1509511**, Public Water Supply.

Applicant	<b>Camphill Soltane</b> 224 Nantmeal Road Glenmoore, PA 19343-2637
Township	East Nantmeal
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Evans Mill Environmental, LLC P. O. Box 735 Uwchland, PA 19480
Permit to Construct Issued	October 1, 2009

**Permit No. 1508511**, Public Water Supply.

Applicant	<b>Warwick Water Works, Inc.</b> 1345 Hares Hill Road Phoenixville, PA 19460
Township	Warwick
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Earth Enterprises 3441 Saint Peters Road P. O. Box 428 Saint Peters, PA 19470
Permit to Construct Issued	November 4, 2008

**Permit No. 0909517**, Public Water Supply.

Applicant	<b>Richland Township Water Authority</b> 1328 California Road Suite—D Quakertown, PA 18951
Township	Richland
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Van Cleef Engineering Associates 50 East Court Street Doylestown, PA 18901
Permit to Construct Issued	September 21, 2009

**Permit No. 2308504**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489
Township	Middletown
County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	C.E.T. Engineering Services, Inc. 1240 Mountain Road Harrisburg, PA 17112-3489
Permit to Construct Issued	August 29, 2008

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

**Permit No. 2808511**, Public Water Supply.

Applicant	<b>Silver Spring Water Association</b>
Municipality	Hamilton Township
County	<b>Franklin</b>

Type of Facility Radium removal.  
 Consulting Engineer Yves E. Pollart BCEE, P. E.  
 Rettew Associates, Inc.  
 2500 Gettysburg Road  
 Camp Hill, PA 17011

Permit to Construct 11/6/2009  
 Issued:

**Permit No. 3060134, Minor Amendment, Public Water Supply.**

Applicant **Aqua Pennsylvania**  
 Municipality Marion Township  
 County **Berks**  
 Type of Facility New softening facilities at the existing Stonecroft Village treatment building.

Consulting Engineer William A. LaDieu  
 CET Engineering Services  
 1240 N. Mountain Road  
 Harrisburg, PA 17112  
 8/25/2009

**Permit No. 3809511 MA, Minor Amendment, Public Water Supply.**

Applicant **City of Lebanon Authority**  
 Municipality Swatara Township  
 County **Lebanon**  
 Type of Facility Modification to the design of Clearwell No. 2.

Consulting Engineer Laurence S. Zimmermann, P. E.  
 Gannett Flemming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Permit to Construct 11/12/2009  
 Issued:

**Operations Permit** issued to: **Dillsburg Area Authority**, 7670071, Carroll Township, **York County** on 11/6/2009 for the operation of facilities approved under Construction Permit No. 6706514.

**Operations Permit** issued to: **Possom Valley Municipal Authority**, 7010034, Menallen Township, **Adams County** on 11/12/2009 for the operation of facilities approved under Construction Permit No. 0108506.

**Operations Permit** issued to: **PA American**, 7210029, Silver Spring Township, **Cumberland County** on 11/4/2009 for the operation of facilities approved under Construction Permit No. 2109501 MA.

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

**Permit No. M.A.—Operation, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 Township or Borough Rush Township  
 County **Centre**  
 Responsible Official Mr. David R. Kaufman  
 Pennsylvania American Water Company

Type of Facility Public Water Supply—Operation

Consulting Engineer Joel Mitchell, P. E.  
 Pennsylvania American Water Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

Permit Issued Date November 16, 2009

Description of Action Operation of the Penn 5 Treatment Plant (Trout Run Well Nos. 1 and 2) to provide 4-log inactivation of viruses.

**Permit No. 1709502—Operation, Public Water Supply.**

Applicant **Brady Township-Troutville Borough Association**  
 Township or Borough Brady Township  
 County **Clearfield**  
 Responsible Official Lester Wachob, President  
 Brady Township-Troutville Borough Association  
 3309 Shamokin Trail  
 Luthersburg, PA 15848

Type of Facility Public Water Supply—Operation

Consulting Engineer Stephen Heine, P. E.  
 Stephen V. Heine, Inc.  
 P. O. Box 466  
 Huntingdon, PA 16652

Permit Issued Date November 16, 2009

Description of Action Operation of the recently constructed 150,000 gallon steel finished water storage tank (Luthersburg Reservoir No. 3).

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

**Permit No. 2609506, Public Water Supply.**

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

Borough or Township Hempfield Township  
 County **Westmoreland**  
 Type of Facility Sisters of Charity booster station

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

Permit to Construct 10 October 17, 2009  
 Issued

**Permit No. 6509505, Public Water Supply.**

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

Borough or Township Ligonier Township  
 County **Westmoreland**  
 Type of Facility Bethlen Homes Community booster station

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

Permit to Construct November 5, 2009  
Issued

**Permit No. 0209516**, Public Water Supply.

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

Borough or Township Findlay Township  
County **Allegheny**

Type of Facility Potato Garden Phase II water transmission project

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

Permit to Construct November 8, 2009  
Issued

**Permit No. 3008503**, Public Water Supply.

Applicant **Carmichaels Municipal Authority**  
104 North Pine Street  
Carmichaels, PA 15320

Borough or Township Carmichaels Borough  
County **Greene**

Type of Facility Water treatment system

Consulting Engineer Fayette Engineering Company Inc.  
2200 University Drive  
P. O. Box 1030  
Uniontown, PA 15401-1030

Permit to Construct November 8, 2009  
Issued

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

**Permit No. 2009504**, Public Water Supply.

Applicant **Elderberry Properties, LLC**

Township or Borough Vernon Township  
County **Crawford County**

Type of Facility Public Water Supply

Consulting Engineer Arthur M. Kuholski, P. E.  
Lake Engineering

Permit to Construct 11/09/2009  
Issued

**Permit No. 6200501—MA3, Minor Amendment.**

Applicant **Youngsville Borough**

Township or Borough Youngsville Borough  
County **Warren County**

Type of Facility Public Water Supply

Consulting Engineer Alan R. Vanderpoel, P. E.  
E & M Engineers & Surveyors,  
PC

Permit to Construct 11/10/2009  
Issued

**Operations Permit** issued to **Trustees of Conneaut Lake Park, Inc.**, PWSID #6200018, Sadsbury/Summit Townships, **Crawford County**, November 9, 2009, to operate the AD26 Arsenic Treatment System as well as all system upgrades as approved by construction permit number 2009505, issued September 3, 2009.

**Operations Permit** issued to **Aqua PA, Inc.—Shenango Valley**, PWSID 6430054, City of Hermitage, **Mercer County**, November 10, 2009, for the operation of the 1.25 million gallon standpipe on Gail Drive, as approved by construction permit number 4300503-T1-MA3, issued May 11, 2009.

**Operations Permit** issued to **Summit Township Water Authority**, PWSID #6250090, Summit Township, **Erie County**, November 10, 2009, for operation of the Route 97 Transmission Line, as approved by construction permit number 2506502, issued June 8, 2007.

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

**Wellhead Protection Program Approval** issued to **Rouseville Borough**, 64 Main Street, Rouseville, PA 16344, PWSID No. 6610028, Rouseville Borough, **Venango County** on November 9, 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:* on Westview Circle in Antrim Township, Franklin County.

Borough or Township	Borough or Township Address	County
Antrim Township	P. O. Box 130 10655 Antrim Church Road Greencastle, PA 17225	Franklin County

*Plan Description:* The approved plan, entitled Lift Station No. 4 Elimination, provides for the elimination of Lift Station No. 4, and the installation of a ten inch gravity sewer designed for an average flow of 184,000 gallons per day, and a peak flow of 374,400 gallons per day. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals 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.

Borough or Township	Borough or Township Address	County
Greene Township	1145 Garver Lane 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, propos-

ing 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:

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

**Levittown Shopping Center Property**, Tullytown Borough, **Bucks County**. Jeffery Smith, Langan Engineering & Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Tandy, Levittown, L.P., 580 White Plains Road, Tarrytown, NY 10591 has submitted a Final Report concerning remedia-

tion of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Staffer Residence**, East Fallowfield Township, **Chester County**. Phil Donmoyer, Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17062 on behalf of David McLimans, Gawthrop Greenwood, 17 East Gay Street, Suite 100, West Chester, PA 19381 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Northwestern Lehigh School District Maintenance Shop**, 6493 Route 309, Lynn Township, **Lehigh County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, Northwestern Lehigh School District, 6493 Route 309, New Tripoli, PA 18066), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 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 in *The Morning Call* on August 26, 2009. A Notice of Intent to Remediate was simultaneously submitted.

**Horwith Trucking Back Lot Area**, 6 Horwith Drive, Northampton Borough, **Northampton County**. Elizabeth Schamberger, Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C31, Allentown, PA 18106 has submitted a Final Report (on behalf of her client MRS Land, LLC, P. O. Box 7, Northampton, PA 18067), concerning the remediation of soil found to have been impacted by bunker oil as a result of historical operations at a former cement production facility and a waste paper recycling facility at this site. 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 Morning Call* on October 23, 2009.

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

**49 West Chestnut Street Property**, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., P. O. Box 810, Valley Forge, PA 19482, on behalf of City of Lancaster, P. O. Box 1599, 120 North Duke Street, PA 17608, submitted a Final Report concerning remediation of site groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific and Residential Statewide Health Standards.

**H. J. Tanner, Inc.**, Chambersburg Borough, **Franklin County**. B. L. Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of H. J. Tanner, Inc., 1120 Mount Rock Road, Shippensburg, PA 17257, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons from their bulk fuel oil and gasoline facility. The combined report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

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

**GFI Transport**, Union Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of GFI Transport, 860 Milton Grove Road, Mt. Joy, PA 17552 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.

**Rishel Truck Accident Crossroads Drive**, Kelly Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arlin Rishel, 2538 New Columbia Road, New Columbia, PA 17856 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.

## 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.*

**Forman Site**, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Stantec, 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of David O'Sullivan, The Great Atlantic & Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, NJ 070645 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was placed on hold by the Department of Environmental Protection on November 5, 2009.

**CRC Chem Industrial**, Warminster Township, **Bucks County**. Peter Beyer, P.G., Environmental Resources Management, Inc., 350 Eagleview Boulevard, Suite 200, Exton, PA 19341, Michelle Rudnick, CRC Industrial, Inc., 885 Louis Drive, Warminster, PA 18974 on behalf of Adam Selisker, CRC Industrial, Inc., 885 Louis Drive, Warminster, PA 18974 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The remedial investigation report was approved by the Department of Environmental Protection on November 2, 2009.

**Champion Toyota**, City of Philadelphia, **Philadelphia County**. Jeremy Boly, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Harvey Sternberg, Bryn Mawr Investments, Inc., 765 John Barry Drive, Bryn Mawr, PA 19010 has submitted a Final Report concerning the remediation of site soil contaminated with used motor oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 30, 2009.

**4500 Pine Street Property**, City of Philadelphia, **Philadelphia County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bettie Purdy, Neighborhood Preservation & Development Fund, L.P., 240 New York Drive, Suite 1, Ft. Washington, PA 19034 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with heating oil. The Final report did not demonstrate attainment of the Site Specific Standard and was placed on hold by the Department of Environmental Protection on November 4, 2009.

**Mill Street Industrial Associates Property** Quakertown Borough, **Bucks County**. Michael Christie, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Roger Altemose, Mill Street Industrial Associates, LP, 2880 Bergey Road, Suite D, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report did not demonstrate attainment of the Site Specific Standard and was placed on hold by the Department of Environmental Protection on November 2, 2009.

**New Kensington High School**, City of Philadelphia, **Philadelphia County**. Joanne Van Rensselaer, Envirosearch Consultants, Inc., 500 Norristown Road, P. O. B. 940, Spring House, PA 19477, Kenneth D'Aurizio, BSI Construction, LLC, 735 Birch Road, Bensalem, PA 19020 on behalf of Lee Norelli, AP/BSI—A Joint Venture, LLC, 1080 North Delaware Avenue, Suite 1500, Philadelphia, PA 19125 has submitted a Final Report concerning the remediation of site soil contaminated with lead, PAH. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 6, 2009.

**Kovalchick Salvage Company**, Solebury Township, **Bucks County**. Bruce Fishman, RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010, George Fields, SAIC, 6310 Allentown Blvd, Harrisburg, PA 17112, Mark Himberger, Shell Lubricants, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 on behalf of Joseph Kovalchick, Kovalchick Salvage Corporation, 1060 Wayne Avenue, Indiana, PA 15701, has submitted a Risk Assessment, Remedial Investigation and Final Report concerning the remediation of site no. 2 fuel oil contaminated with soil and groundwater. The Risk Assessment, Remedial Investigation and Final Report were approved by the Department of Environmental Protection on October 27, 2009.

*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 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 documented attainment of the Statewide Health Standard and was approved on November 10, 2009.

**Pysher Property**, 2323 North Delaware Drive, Upper Mount Bethel Township, **Northampton County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of his clients, Mr. & Mrs. Arthur Pysher, 2323 North Delaware Drive, Mt. Bethel, PA 18343), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank having a tank leg failure. The report documented attainment of the Statewide Health Standard and was approved on November 5, 2009.

**Dallas Shopping Center/Dallas Cleaners**, Dallas Borough, **Luzerne County**. Dawn L. Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a combined Remedial Investigation/Final Report (on behalf of her client, Humford Equities, 15 Public Square, Suite 302, Wilkes-Barre, PA 18701-1798), concerning the remediation of soils and groundwater found to have been impacted by dry cleaning solvents as the result of historic dry cleaning operations. The report documented attainment of the Site-Specific Standard for Tetrachloroethylene (PCE) and Trichloroethylene (TCE) in soils, the Statewide Health Standard for all other tested analytical parameters in soils, and the Statewide Health Standard for all tested analytical parameters in groundwater and was approved on November 9, 2009.

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

**Handy's Fuel Service—Williams Residence**, City of Harrisburg, **Dauphin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Joseph Williams, 1738 Market Street, Harrisburg, PA 17103, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on November 6, 2009.

**Buckeye/Laurel Pipe Line**, Tell Township, **Huntingdon County**. Kleinfelder, Inc., 260 Executive Drive, Suite 500, Cranberry Township, PA 16066, on behalf of Laurel Pipe Line Company, LP, 9999 Hamilton Boulevard, Tek Park Five, Breinigsville, PA 18031, submitted a final report concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on November 10, 2009.

*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 Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 9, 2009.

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

**Armco Sawhill Tube (John Maneely Co—Sharon Pipe Plt)**, City of Sharon, **Mercer County**. ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540-6284 and The Payne Firm, Inc., 11231 Cornell Park Drive, Cincinnati, OH 45242 on behalf of the John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with VOCs, SVOCs, PCBs, metals and site groundwater contaminated with VOCs, SVOCs, PCBs, dioxins, metals, sulfate, and nitrate. The Cleanup Plan was approved by the Department of Environmental Protection on November 4, 2009.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit Application No. 101243. Northern Tier Solid Waste Authority**, P. O. Box 10, Burlington, PA 1884, West Burlington Township, **Bradford County**. The permit was reissued for the Bradford County Landfill by the Williamsport Regional Office on November 12, 2009.

Persons interested in reviewing the permit may contact Lisa D. Houser, P. E., Facilities Manager, Williamsport



Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service (800) 654-5984.

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

**Permit No. 100708. Jones & Losito Inc.**, 485 Willow Street, Toughkenamon, PA 19374. This permit was reissued with a change of ownership from Cloud Disposal, Inc., to Jones & Losito, Inc., for the Cloud Landfill, a closed municipal waste landfill, located at 320 Reedville Road, Oxford, PA 19363 in Lower Oxford Township, **Chester County**. The permit was reissued by the Southeast Regional Office on November 13, 2009.

**Permit No. 101494. Waste Management of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification is for revisions to the Leachate Recirculation System (LRS) design and the LRS Monitoring Plan at Tullytown Resource Recovery Facility (TR. R.F) Landfill located in the Borough of Tullytown and Falls Township **Bucks County**. The permit was issued by the Southeast Regional Office on November 16, 2009.

## AIR QUALITY

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

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

**66-399-007GP5: Citrus Energy Corp.** (5601 Democracy Drive, Suite 190, Plano, TX 75024) on November 5, 2009, to construct and operate a Natural Gas Compressor Station at the site in Washington Township, **Wyoming County**.

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

**GP9-63-00938: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Hoskins Compressor Station facility in Donegal Township, **Washington County**.

**GP9-63-00942: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Dryer Compressor Station facility in Independence Township, **Washington County**.

**GP9-63-00947: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Lowry Compressor Station facility in Hopewell Township, **Washington County**.

**GP9-63-00948: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Tufta Day Compressor Station facility in Amwell Township, **Washington 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**48-399-062: Dixie Consumer Products, LLC** (605 Kuebler Road, Easton, PA 18040-9281) on November 3, 2009, to install new cup forming machines at their facility in Forks Borough, **Northampton County**.

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

**21-05029B: Sunoco Partners Marketing and Terminals, LP** (17351 Market Street, 29MBC, Philadelphia, PA 19103) on November 5, 2009, to operate their petroleum product bulk storage and loading facility at their Mechanicsburg Terminal in Hampden Township, **Cumberland County**.

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

**30-00182A: CNX Marine Terminals, Inc.** (1000 Consol Energy Drive, Canonsburg, PA 15317) on October 26, 2009, to allow the construction of a barge cleaning facility at their Robena Plant, in Monongahela Township, **Greene County**. Up to 600 contaminated barges per year will be processed at this location. A bobcat and a hopper will be lowered into the contaminated barge. The bobcat will gather the material and transfer it to the hopper. Hopper will then be transferred into the receiving barge.

**63-00936B: Markwest Liberty Midstream and Resources, LLC.** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO, 80202-2126) on November 13, 2009, to allow installation of one propane removal system composed of one depropanizer, one deethanizer, and two process heaters at the Houston Gas Processing Plant, in Chartiers Township, **Washington County**.

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

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

**10-001N: AK Steel Butler Works** (P. O. Box 832, Butler, PA 16003) on November 30, 2009, to modify the No. 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of

new low NOx burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr). This is a Title V facility.

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

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

**46-00060: Norristown State Hospital—DPW** (1001 East Sterigere Street, Norristown, PA 19401) on November 12, 2009, for a renewal of Title V Operating Permit No. 46-00060 in **Montgomery County**. The facility currently operates and maintains two (2) natural gas-#2 fuel oil-fired boilers, one (1) propane-fired and nine (9) #2 fuel oil-fired emergency generators, and four (4) #2 fuel oil-fired residential-style furnaces. The only significant changes to the Title V Operating Permit are the replacement of the NOx plant-wide applicability limit (PAL) of 98.5 tons/yr with a site-level NOx emission restriction of less than 25 tons/yr and the addition of source-level NOx emission restrictions for the emergency generators. The Title V Operating Permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05045: Department of Public Welfare** (P. O. Box 1000, Hamburg, PA 19526-1000) on November 5, 2009, for their two anthracite coal fired boilers and one #2 oil fired boiler in Windsor Township, **Berks County**. This is a renewal of the Title V Operating Permit.

**07-05004B: Altoona Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) on November 6, 2009, for their bulk liquid petroleum terminal known as the Altoona Terminal in Allegheny Township, **Blair County**. This is a renewal of the Title V Operating Permit.

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

**24-00012: CG Electrodes Acquisition, LLC** (800 Theresa Street, St. Marys, PA 15857) on November 10, 2009, for an Administrative Amendment of the Title V Operating Permit, to incorporate the conditions of Plan Approval No. 24-012I in Source ID No. 197: Sagger Sand Handling System in the City of St. Marys, **Elk County**. The facility recently replaced the baghouse of this source and covered under new plan approval No. 24-012I.

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

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

**15-00128: Pet Memorial Services Corp.** (126 Turner Lane, Unite No. 2, West Chester, PA 19380) on November 12, 2009, for a non-Title V Facility, State-Only Natural Minor Operating Permit in West Goshen Township,

**Chester County**. Pet Memorial Services operates four (4) identical Crawford animal crematoriums (Source ID 101), rated for 600 lbs/hr each and one (1) EPA Technologies animal crematorium (Source ID 102), rated for 130 lbs/hr. There are also no other significant sources of emissions at this facility. The following are potential emissions from the facility: 17 TPY for NOx, VOC, and SOx; 40 TPY for PM; 56 TPY for CO; and 7 TPY for HCl. Emissions of PM from each crematorium shall be less than 0.08 grain per dry standard cubic feet, corrected to 7% O<sub>2</sub>. Emissions of SOx from each crematorium shall be less than 500 ppmv. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**16-00152: Pengrove Building Systems, Inc.** (1 Mauro Avenue, Knox, PA 16232) on November 6, 2009, to issue a Synthetic Minor Operating Permit to operate a wood surface coating operation used in the manufacture of modular homes in Knox Township, **Clarion County**. The facility's primary emission sources include two (2) spray booths, a stain wiping line, clean up operations, wood working operations and miscellaneous natural gas combustion.

**25-00930: Erie Shipbuilding, LLC** (220 East Bayfront Parkway, Erie, PA 16507) on November 12, 2009, to operate the facility's air contamination sources consist of: blasting operation, paint spray booth, ship abrasive blasting, ship painting and a preheat for the blasting and surface coating of large ships in the City of Erie, **Erie County**. The facility is restricted to no more than 49.5 tons per year VOC and 24.5 tons per year for combined HAPS calculated on a 12 month rolling total. Compliance with these limits will be demonstrated by way of recordkeeping and reporting practices outlined in the operating permit.

**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.*

**09-00186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on November 10, 2009, for a Minor Operating Permit Modification of a Non-Title V Facility, State-Only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Kinder Morgan Bulk Terminals, Inc. has been approved to unload bulk material directly to their dock under the condition that material has a minimum moisture content of 4% and the material cannot be handled through a hopper. PM emissions from the bulk material handling process shall continue to be controlled by water suppression. Additional work practice requirements have been included in the modified permit to ensure that potential emissions of PM will not increase as a result of the approved modifications. The permit will continue to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**11-00034: Johnstown Specialty Casting, Inc.** (545 Central Avenue, Johnstown, PA 15902) permit modification and administrative amendment are effective November 12, 2009, at the Johnstown Plant in the City of Johnstown, **Cambria County**. A baghouse pressure differential range which has been demonstrated to indicate compliance with emission limits has been inserted into the permit per the existing Compliance Assurance Monitoring (CAM) plan. Applicable requirements of the recently promulgated National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (40 CFR Part 63 Subpart ZZZZZ) have been added to the permit. Finally, plan approval requirements from the installation of a billet grinder under PA-11-00034A have been incorporated into the permit.

### **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.*

**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): un-

named 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 9, 2009.

**32090102 and NPDES No. PA0262811. AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 274.0 acres. Receiving stream(s): unnamed tributaries to/and Yellow Creek; unnamed tributaries to/and Ferrier Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Homer City Water Authority. Application received: May 21, 2009. Permit issued: November 10, 2009.

**56080106 and NPDES No. PA0262650. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Quemahoning and Shade Townships, **Somerset County**, affecting 318.8 acres. Receiving stream(s): Stonycreek River; unnamed tributaries to Stonycreek River classified for the following use(s): trout stocked fishery; cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority—Border Dam Intake. Application received: May 21, 2008. Permit issued: November 12, 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.

**17030121 and NPDES No. PA0243671. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Revision of an existing bituminous surface mine for stream encroachment for 6 unnamed tributaries to Bell Run in Penn Township, **Clearfield County**, affecting 43.2 acres. Receiving stream: Unnamed tributary "A" to Bell Run, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2009. Permit issued: October 27, 2009.

**17820129 and NPDES No. PA0610623. Kasubick Brothers Coal Company** (501 David Street, Houtzdale, PA 16651). Permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 161.8 acres. Receiving streams: Upper Morgan Run and North Branch Upper Morgan Run, classified for the following uses: Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2009. Permit issued: November 10, 2009.

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

**54813011T2. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), transfer and reactivation of an existing anthracite surface mine operation in Blythe and East Norwegian Townships, Schuylkill County affecting 497.5 acres, receiving stream: none. Application received: May 22, 2009. Transfer issued: November 12, 2009.

*Noncoal Permits Actions*

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

**11040801. Greenley Energy Holdings of PA, Inc.**, 153 Wilson Street, Central City, PA 15926, final bond release on a small noncoal (industrial minerals) operation in Richland Township, **Cambria County**, affecting 3.0 acres. Receiving stream: Little Paint Creek. Application issued: November 5, 2009.

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

**20082803. Lancelot Construction, Inc.** (P. O. Box 5176, Conneaut Lake, PA 16316) Commencement, operation and restoration of a small sandstone operation in East Fallowfield Township, **Crawford County** affecting 5.0 acres. Receiving streams: McMillen Hollow. Application received: April 28, 2008. Permit Issued: November 5, 2009.

**27090801. Passauer Excavation, Inc.** (P. O. Box 304, West Hickory, PA 16370) Commencement, operation and restoration of a small sand & gravel and sandstone operation in Harmony Township, **Forest County** affecting 5.0 acres. Receiving streams: Unnamed tributaries to Allegheny River. Application received: August 10, 2009. Permit Issued: November 11, 2009.

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

**4475SM10 and NPDES Permit No. PA0220043. Harbison-Walker Refractories** (400 Fairway Drive, Moon Township, PA 15108). Renewal of NPDES permit in Woodward Township, **Clearfield County**. Receiving streams: Unnamed tributary to Upper Morgan Run to Clearfield Creek 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. NPDES renewal application received: August 12, 2009. Permit issued: October 30, 2009.

**18022802. Harger Utility Contractors, Inc.** (108 W. Clinton Street, Lock Haven, PA 17745). Noncoal mining operation (topsoil) in Castanea Township, **Clinton County**. Restoration of 1.5 acres completed. Receiving stream(s): West Branch Susquehanna River, tributary to Susquehanna River. Application received: November 6, 2009. Final bond release: November 12, 2009.

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

**6576SM1A2C7 and NPDES Permit No. PA0119229. Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving stream: tributary McMichaels Creek. Application received: September 1, 2009. Renewal issued: November 9, 2009.

**7973SM6A1C9 and NPDES Permit No. PA0120979. Eureka Stone Quarry, Inc.**, (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Mill Creek. Application received: September 1, 2009. Renewal issued: November 9, 2009.

**09920302C4 and NPDES Permit No. PA0595497. Delaware Valley Landscape Stone, Inc.**, (P. O. Box 778, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry opera-

tion in Middletown Township, **Bucks County**, receiving stream: unnamed tributary to Neshaminy Creek. Application received: September 2, 2009. Renewal issued: November 9, 2009.

**7774SM2A1C10 and NPDES Permit No. PA0594521. Berks Products Corp.**, (P. O. Box 9000, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ontelaunee Township, **Berks County**, receiving stream: Maiden Creek. Application received: September 17, 2009. Renewal issued: November 9, 2009.

**1579601C5 and NPDES Permit No. PA011918. Lynn Hanaway**, (151 North Church Street, Parkesburg, PA 19365), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Parkesburg Borough, **Chester County**, receiving stream: tributary to Buck Run. Application received: September 18, 2009. Renewal issued: November 9, 2009.

**5273SM1C4 and NPDES Permit No. PA0594261. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Aston Township, **Delaware County**, receiving stream: Chester Creek. Application received: September 18, 2009. Renewal issued: November 10, 2009.

**58920301T and NPDES Permit No. PA0595845. Reading Materials, Inc.**, (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation in New Milford Township, **Susquehanna County** affecting 120.09 acres, receiving stream: Beaver Creek. Application received: April 14, 2009. Transfer issued: November 13, 2009.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### *Blasting Permits Actions*

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

**59094007. Conquest Seismic Services** (504 1st Center, Horseheads, NY 14845), seismic data acquisition by blasting located in Chatham and Westfield Townships, **Tioga County**. Permit issued: November 12, 2009. Permit expires: September 30, 2010.

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

**45094133. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Sciota Properties Development in Hamilton Township, **Monroe County** with an expiration date of October 28, 2010. Permit issued: November 5, 2009.

**46094119. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for water extension on Ziegler Road in Upper Hanover Township, **Montgomery County** with an expiration date of October 28, 2010. Permit issued: November 5, 2009.

**36094176. TJ Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Hawthorne Ridge Townhouse in Lancaster Township,

**Lancaster County** with an expiration date of December 31, 2009. Permit issued: November 6, 2009.

**36094177. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Giant Food Store in Mt. Joy Borough, **Lancaster County** with an expiration date of November 30, 2009. Permit issued: November 6, 2009.

**51094001. Controlled Demolition, Inc.**, (2737 Merymans Mill Road, Phoenix, MD 31131), demolition blasting for the demolition of Penn Coachyard Chimney in the City of Philadelphia, **Philadelphia County** with an expiration date of November 15, 2009. Permit issued: November 10, 2009.

**52094114. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Milford Highlands in Milford Township, **Pike County** with an expiration date of November 4, 2010. Permit issued: November 10, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

**E15-782. Parke Mansion Partners LP**, 1380 Wilmington Pike, West Chester, PA 19382, Parkesburg Borough, **Chester County**, ACOE Philadelphia District.

To the following water obstruction and encroachment activities associated with the proposed Parke Mansion Estates Residential Development Project within and along Little Buck Run (TSF, MF):

1. To construct and maintain an open-bottom box culvert secured to a poured foundation constructed on both sides of the stream associated with Parke Drive.
2. To install and maintain a water and sanitary sewer utility line crossing within the roadway bed of Parke Drive.
3. To construct and maintain four stormwater outfalls along Little Buck Run.

The site is located along SR 0010 (Church Street) between Main Street and Sadsbury Road (Parkesburg, PA USGS Quadrangle N: 16.5 inches; W: 5.0 inches).

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

**E23-479. Kimberly-Clark of Pennsylvania, LLC**, Front and Avenue of the States, Chester, PA 19013-4471, City of Chester, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a new building addition adjacent to the existing building No. 86 at the Kimberly-Clark facility in and along the 100-year floodway of the Delaware River. The site is located approximately 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ, PA N: 15.5 inches; W: 14.5 inches).

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

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

**E40-699. Luzerne County Redevelopment Authority**, 16 Luzerne Street, Suite 210, West Pittston, PA 18643. Jenkins Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain the Knox Mine Disaster Memorial Enhancement Project with work consisting of excavation and placement of fill in approximately 0.62 acre of the floodway/floodplain of the Susquehanna River and the construction of paths, a wooden viewing platform, signage, landscaped areas, and other site amenities within the same area. This project is located along the left bank of the Susquehanna River approximately 1 mile upstream of the Eighth Street Bridge (Pittston, PA Quadrangle Latitude: 41° 18' 47"; Longitude: -75° 48' 48") in Jenkins Township, **Luzerne County**. (Subbasin: 5B)

**E40-695. PPL Susquehanna Steam Electric Station.** 769 Salem Boulevard (NUSCA3), Berwick, PA 18603-6828, Salem Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 0.2 acre of wetlands in and along the floodway (right bank) of an unnamed tributary to Lake Took-A-While (CWF), which will include the lowering of the stream bank elevation over a length of 160 L.F. The purpose of the project is to create floodplain wetlands as a water quality improvement project along this unnamed tributary to reduce sedimentation from entering Lake Took-A-While. (Subbasin: 5D)

**E40-698. Danial J. Reggie**, R. R. Box 3568, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing 374 S.F. boat dock and to construct and maintain a pile-supported boathouse and dock in Harveys Lake (HQ-CWF), with work consisting of the construction of a 299 S.F. dock, and the construction of a 591 S.F. boathouse. The total surface area of the pile-supported structures will be approximately 890 S.F. and will extend approximately 38.2 ft from the shoreline. The project is located approximately 3.59 miles north west of the intersection of SR 415 and SR 115 (Harveys Lake, PA Quadrangle Latitude: 41° 22' 5.6"; Longitude: 76° 3' 12.4") in Harveys Lake Borough, Luzerne County. (Subbasin: 5B)

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

**E05-353: Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Holidaysburg, PA 16648, Bedford Township, **Bedford County**, ACOE Baltimore District.

To extend and maintain an existing open bottom arch culvert 12 feet having a clear span of 18.0 feet, a minimum underclearance of 9.0 feet, a skew of 75°, and a total length of 91.8 feet within an unnamed tributary to Raystown Branch Juniata River (WWF). The proposed activities will result in 0.07 acre permanent impact to a PEM wetland and 0.02 acre temporary impact to a PEM wetland. The purpose of the project is to add a turn lane along SR 0030 at the intersection with SR 0056 (Bedford, PA Quadrangle Latitude: 40° 2' 34"; Longitude: 78° 32' 21", North: 8.8 inches; West: 7.1 inches) in Bedford Township, Bedford County. The applicant is required to provide a minimum of 0.07 acres replacement wetlands, and has proposed to replace the wetlands at the Huntingdon Advanced Wetland Compensation site.

**E31-214: Shoup's Run Watershed Association**, 976 Dudley Road, Six Mile Run, PA 16679, Green Garden Road Acid Mine Drainage Treatment Facility, Carbon Township, **Huntingdon County**, ACOE Baltimore District

To construct and maintain a 510-foot long rock revetment along the right bank, two limestone cells, three stilling basins impacting 0.067 acre of a forested wetland, and related improvements along the floodway and floodplain of Shoup Run (WWF) to improve the acid mine discharge located along the area bounded by Green Garden Road and PA 913 (Saxton, PA Quadrangle N: 14.63 inches; W: 6.0 inches, Latitude: 40° 12' 20"; Longitude: 78° 10' 05") in Carbon Township, Huntingdon County.

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

**E19-276. Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815-1870. Water Obstruction and Encroachment Joint Permit, in the Town of Bloomsburg, **Columbia County**, ACOE Susquehanna River Basin District (Catawissa, PA Quadrangle N: 40° 59' 26.5"; W: 76° 27' 11.5").

To construct and maintain five tennis courts, 254-feet by 130-feet fenced bituminous paved area within the Bloomsburg Town Park. The proposed improvements will include the construction of the proposed tennis courts, 2,100 square-feet of bituminous pavement walking path, parking area, and stormwater infiltration trench. The project will relocate the town's tennis courts to a less flood prone area. Approximately 1.62-acres will be disturbed. The project will be constructed within the floodplain of the Susquehanna River (WWF, Warm Water Fishery). This project is located along the Susquehanna River east of Fishing Creek, 4,000-feet southwest of the intersection of SR 487 and West Fort McClure Blvd. (Catawissa, PA Quadrangle N: 40° 59' 26.5"; W: 76° 27' 11.5") in the Town of Bloomsburg, Columbia County. This project proposes to have a minimal impact to the floodplain of the 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."

**E41-601. Anadarko Petroleum Corp.** P. O. Box 1330, Houston, TX, 77251-1330. Water Obstruction and Encroachment Joint Permit, in the Nippenose Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 41° 12' 01.4"; W: 77° 14' 24.5").

To construct and maintain a surface water withdrawal intake in the floodway of the West Branch of the Susquehanna River. The project will include upgrades to the main access off of SR 44, construction of a stone parking area, two dry hydrants, a subsurface pump house, and a 12" flexible water line connecting the pump house to the riverbank. Minor grading and filling to construct a safe entrance to SR 44 will be balanced by some minor cutting elsewhere on the site. There will be approximately 0.69 acre of earth disturbance. The project area is situated near a small corn field adjacent to upland, floodplain woods along the West Branch of the Susquehanna River. 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 4,200-feet east of the intersection of Main Street and SR 44, (Linden, PA Quadrangle N: 41° 12' 01.4"; W: 77° 14' 24.5") in Nippenose Township, 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."

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

**E02-1042-A2. Butler Concrete and Supply Company**, 409 Saxonburg Boulevard, Saxonburg, PA 16056. To extend an existing retaining wall in East Deer Township, **Allegheny County**, Pittsburgh ACOE District. To amend Permit No. E02-1042-A1 to extend and maintain

the existing retaining wall an additional 110.0 feet in the channel and along the right bank of the Allegheny River (WWF) for the purpose of providing better access to the Butler Concrete & Supply Company. The project is located near River Mile 19.6 and will impact approximately 135.0 linear feet of stream channel.

**E02-1621. Department of Transportation, District 11**, 45 Thoms Run Road, Bridgeville, PA 15017. To regrade streambank in Etna Borough, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle N: 21.4 inches; W: 9.7 inches, Latitude: 40° 1' 34"; Longitude: 79° 56' 50"). Regrade and maintain 680 feet of stream bank along Pine Creek (TSF) required to stabilize the slope for the to-be widened SR 28. Within this 680 LF, to place and maintain approximately 190 LF of rip rap to prevent erosion of the streambank. The project is centered approximately 3,000 feet upstream of Pine Creek's confluence with the Allegheny River.

**E32-492. Turm Oil Incorporated**, 110 Dodds Road, Suite 203, Butler, PA 16002. To construct an arch culvert in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District. (New Florence, PA Quadrangle N: 9.8 inches; W: 12.8 inches, Latitude: 40° 25' 46"; Longitude: 79° 5' 30") To construct and maintain a 30' long 42" arched culvert (depressed 12") on the East Branch of Richards Run (CWF), and to place and maintain fill and four 12" culverts in 0.01 acre of wetland (located within the floodplain of the East Branch of Richards Run) for the purpose of building an access road to an existing compressor station.

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

**E42-346, Steven M. Gustin**, 266 McCrea Brook, Eldred, PA 16731-5216. McCrea Run Creek Crossing in Ceres Township, **McKean County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 47.70571°; W: 79.01974°).

To install and maintain a 72" diameter culvert pipe crossing of McCrea Run Creek at a point approximately 3,000 feet southeast of the intersection of Route 446 and McCrea Brook Road on the north side. McCrea Run Creek is classified as a CWF.

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

**PAG-2-1449-08-001, Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, for Shamokin Creek Flood Protection Project, located in Borough of Mount Carmel and Mount Carmel Township, **Northumberland County**, ACOE Baltimore District. The project (Mount Carmel, PA Quadrangle N: 8.9 inches; W: 5.5 inches) will be constructed in multiple phases, with a total area of disturbance of 17.3 acres.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA12-003. Cameron County Conservation District**, 20 East Fifth Street, Room 105, Emporium, PA 15834. Shippen Township, **Cameron County**, ACOE Baltimore District. This Environmental Assessment is for construction of an acid mine drainage passive treatment system adjacent to the former Cameron County Landfill. This system will treat six existing acid mine drainage seeps

and discharge treated flows to wetlands along May Hollow Run (Cameron, PA Quadrangle N: 14.4 inches; W: 14.0 inches).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

11/12/2009  
 ESCGP-1 No.: ESX09-059-0035  
 Applicant Name: EQT Gathering, LLC  
 Contact Person: Hanna McCoy  
 Address: 625 Liberty Avenue  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Greene Township(s): Center and Morris  
 Receiving Stream(s) and Classifications: Patterson Creek (HQ-WWF), HQ, Other

11/12/2009  
 ESCGP-1 No.: ESX09-063-0007  
 Applicant Name: XTO Energy, Inc.  
 Contact Person: Michael Hahn  
 Address: 395 Airport Road  
 City: Indiana State: PA Zip Code: 15701  
 County: Indiana Township(s): White/Brush Valley/Center  
 Receiving Stream(s) and Classifications: Patterson Creek (HQ-WWF), HQ, Other

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

ESCGP-1 # ESX09-115-0013  
 Applicant Name: ALTA Operating Company, LLC  
 Contact Person: Joseph Greenberg  
 Address: 500 Dallas, Suite 2930  
 City, State, Zip: Houston, TX 77002  
 County: Susquehanna  
 Township(s): Middletown Township  
 Receiving Stream(s) and Classification(s): UMT to Middle Branch Wyalusing Creek

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

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

ESCGP-1 # ESX09-015-0060  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Wyalusing  
 Receiving Stream(s) and Classification(s): UNT to Susquehanna River

ESCGP-1 # ESX09-015-0058  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Wysox  
 Receiving Stream(s) and Classification(s): UNT to Wysox Creek

ESCGP-1 # ESX09-015-0059  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Troy  
 Receiving Stream(s) and Classification(s): UNT to Mud Creek

ESCGP-1 # ESX09-015-0057  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Albany  
 Receiving Stream(s) and Classification(s): Sugar Creek

ESCGP-1 # ESX09-015-0056  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Albany  
 Receiving Stream(s) and Classification(s): UNT to South Branch

ESCGP-1 # ESX09-015-0061  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: P. O. Box 18496  
 City, State, Zip: Oklahoma City, OK 73154

County: Bradford  
 Township(s): Granville Township  
 Receiving Stream(s) and Classification(s): North Branch Towanda Creek

ESCGP-1 # ESX09-081-0013  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski, P. E.  
 Address: 380 Southpointe Blvd., Suite 300  
 City, State, Zip: Canonsburg, PA 15317  
 County: Lycoming Cnty  
 Township(s): Cummings Twp  
 Receiving Stream(s) and Classification(s): Receiving Water/Watershed Name: First Fork Larry's Creek (HQ)

## SPECIAL NOTICES

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

### *General Permits:*

**42081006. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). Final bond release of a GP-103 mining operation in Annin Township, **McKean County**. Restoration of 3.5 acres completed. Receiving streams: Allegheny River. Application received: September 22, 2009. Final bond release approved: October 27, 2009.

*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. 09-2186. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Availability of Technical Guidance

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

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

### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When



this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Technical Guidance*

DEP ID: 563-2112-606. Title: Procedures for Establishing the Quantity of Water in Low-Yield Wells. Description: Surface and underground coal mine operators are required to conduct premining surveys of the quality and quantity of the water supplies that may be impacted by mining operations. In performing premining surveys to establish the quantity of a water supply, it is important that operators follow established testing procedures to ensure that results are meaningful and valid for pre- and post-mining comparisons. This guidance provides direction to the District Mining staff, surface and underground coal mine operators, and their consultants by establishing alternative methods that may be used to evaluate low-yield water supplies (five gallons per minute or less). The Department did not receive any public comments on this guidance. Contact: Questions regarding the draft technical guidance should be directed to Gregory Shuler at (717) 783-1199, gshuler@state.pa.us.

Effective date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2187. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Bid Opportunity

**OSM 26(0149)102.1, Mine Subsidence/Fire Control Project, Prittstown, Upper Tyrone Township, Fayette County.** The principal items of work and approximate quantities include mobilization and demobilization; 3,724 linear feet of 6" air rotary drilling; 1,470 linear feet of overburden casing, steel or PVC; 4,844 tons of supply, delivery and injection of grout material and 114 each of sealing boreholes. This project issues on November 25, 2009, with bids opened on December 22, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2188. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Bid Opportunity

**OSM 40(1031)101.1, Abandoned Mine Reclamation Project, Cranberry West, Hazle Township, Luzerne County.** The principal items of work and approximate quantities include mobilization and demobilization; 1,308,650 cubic yards of grading; 2,220 cubic yards of ditch excavation; 2,560 square yards of rock lining and 167.6 acres of seeding. This project issues on November 25, 2009, with bids opened on December 22, 2009, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2189. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Board of Coal Mine Safety; Rescheduling of Meeting Date

The December 9, 2009, meeting of the Board of Coal Mine Safety has been rescheduled to January 27, 2010. The meeting will begin at 10 a.m. in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA.

Questions concerning this meeting should be directed to Allison D. Gaida at (724) 439-7289 or agaida@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP 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 (724) 439-7289 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. 09-2190. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Chesapeake Bay Advisory Committee Meeting

The Chesapeake Bay Advisory Committee will meet December 3, 2009, from 9 a.m. to 12 p.m. in Room 105 of the Department of Environmental Protection's (Department), Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Marjorie Hughes at mahughes@state.pa.us or (717) 772-5660. The agenda and meeting materials will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in

the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5660 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. 09-2191. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Registration For Residual Waste General Permits

### Extension of Comment Period

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

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

**General Permit Application Number WMGR097 R011. Hazleton Creek Properties, LLC**, Route 924 Mined Lands, City of Hazleton, PA 18201. Registration to operate under General Permit Number WMGR097R011 for research and development activities. The proposed project involves use of dredged material or other regulated fill with fines from processing construction and demolition waste in mine reclamation and as construction material in the Mammoth Strip Pit in Hazleton. The registration was received by Central Office on August 26, 2009.

Comments concerning the registration should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. The public comment period has been extended. Comments must be received by December 8, 2009, and may recommend revisions to, and approval or denial of, the application.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2192. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Small Water Systems Technical Assistance Center Board Special Meeting

The Small Water Systems Technical Assistance Center Board will hold a special meeting on December 17, 2009, from 10 a.m. in the 2nd Floor Training Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The purpose of the meeting is to discuss Final Revisions to Chapter 302 Operator Certification Regulations.

Questions concerning this meeting should be directed to Veronica B. Kasi at (717) 772-4053 or vbkasi@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Janet Fisher directly at (717) 783-2294 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. 09-2193. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Solar Workgroup Meeting

The Solar Workgroup will hold a meeting on December 2, 2009, at 10 a.m. in the 2nd Floor Training Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the December 2, 2009, meeting will be available at the meeting. Questions concerning this meeting should be directed to Becky Campbell, Pennsylvania Energy Development Authority, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, recampbell@state.pa.us.

Persons with a disability who require accommodations to attend the December 2, 2009, meeting 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. 09-2194. Filed for public inspection November 25, 2009, 9:00 a.m.]

## State Board for Certification of Sewage Enforcement Officers; 2010 Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled the 2010 Sewage Enforcement Officers (SEO) Precertification Academy and examination. To qualify to sit for the certification examination, all SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examinations will be administered the Friday following completion of the Precertification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the

examination. The 2010 Precertification Academy and examination schedule is as follows:

April 21—23 and Examination Date: April 30, 2010  
 April 27—29, 2010 (8:30 a.m. to 12:30 p.m.)  
 PSATS Enola Examination Application Deadline:  
 April 2, 2010

Additional academy and exam dates will be posted as scheduled. To qualify to sit for the certification exam, all SEO candidates must complete the SEO precertification academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930.

The SEO written examination contains multiple choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam, however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Board.

Persons who anticipate the need for a testing accommodation due to a disability, should contact the Board at (717) 772-5158 or through the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD) to discuss their request. This request should be submitted with their application form.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2195. Filed for public inspection November 25, 2009, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators; Change of Meeting Location

The State Board for Certification of Water and Wastewater Systems Operators (Board) conference call meeting on December 18, 2009, at 10 a.m. is now scheduled as a regular Board meeting in the 16th Floor Delaware Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The purpose of this meeting is to discuss Chapter 302 Proposed Revised Regulations for the Operator Certification Program.

Questions concerning the Board meeting can be directed to Cheri Sansoni at (717) 772-5158, or csansoni@state.pa.us. The agenda and meeting material for the previously listed meeting date will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2196. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Westmoreland County

The Department of General Services (Department) will accept bids for the purchase of 0.32-acre ± of land and building formerly known as the Latrobe National Guard Armory located at 1017 Ridge Avenue, City of Latrobe, Westmoreland County. Bids are due Thursday, January 28, 2010. Interested parties wishing to receive a copy of Solicitation No. 94320 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 09-2197. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Advisory Health Board Meeting

The Department of Health (Department) gives notice that the Advisory Health Board (Board) will meet on December 1, 2009, from 10 a.m. until 12 noon in Room 812 of the Health and Welfare Building to review and approve final amendments to the School Immunization Regulations. The Board will also be presented with a summary of proposed changes to the Department's regulations relating to Communicable and Noncommunicable Diseases.

Further information regarding the meeting or to obtain a copy of the draft regulations interested persons may contact Heather Stafford, Acting Director, Bureau of Communicable Diseases, Department of Health, Room 1023, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 or (717) 787-5681.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, or require a copy of this notice or the draft regulations in an alternative format (for example, large print, audiotape, Braille), should contact Heather Stafford at the previously-listed telephone number or address, or at V/TT (717) 783-6154 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2198. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application of Taylor Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Taylor Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2199. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 16, 2009, at 10 a.m., in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Linda Pavlesich, Bureau of Health Planning at (717) 772-5298, or e-mail at lpavlesich@state.pa.us, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2200. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Haven Convalescent Home, Inc.  
725 Paul Street  
New Castle, PA 16101

Schuylkill Medical Center-South Jackson Street  
Transitional Care Unit  
420 South Jackson Street  
Pottsville, PA 17901

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2201. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, December 2, 2009, from 9 a.m. to 11 a.m. A teleconference call will be held at the Department of Health, Conference Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 787-5251.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen Zitka at (717) 787-5251, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2202. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$1,000 A Week For Life Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1,000 A Week For Life.

2. *Price:* The price of a Pennsylvania \$1,000 A Week For Life instant lottery game ticket is \$2.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania \$1,000 A Week For Life instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania \$1,000 A Week For Life instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WK).

(c) The play symbols and their captions located in the play area for "Game 2" are: Moneybag symbol (BAG) and an X symbol (XXX).

(d) The play area for "Game 3" will contain a "YOUR SYMBOLS" area and a "LUCKY SYMBOLS" area. The play symbols and their captions located in the "YOUR SYMBOLS" area and the "LUCKY SYMBOLS" area are: Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Shoe symbol (SHOE), Wallet symbol (WALLET) and a Cash symbol (CASH).

(e) The prize play symbols and their captions and the play symbols and their captions located in the "Fast Cash Bonus" area are: \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:*

(a) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WK).

(b) The play area for "Game 3" will contain six "prize" areas. The prize symbols and their captions located in the six "prize" areas for "Game 3" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WK).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are: \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100 and \$500. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 43,200,000 tickets will be printed for the Pennsylvania \$1,000 A Week For Life instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of LIFE (\$1,000/WK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching prize play symbols of \$50<sup>00</sup> (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching prize play symbols of \$40<sup>00</sup> (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching prize play symbols of \$25<sup>00</sup> (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching prize play symbols of \$20<sup>00</sup> (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets with three matching prize play symbols of \$4<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of LIFE (\$1,000/WK) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal,

and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of LIFE (\$1,000/WK) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1

million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(d) Determination of prize winners for the "Fast Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$500.

(2) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with a prize play symbol of \$50<sup>00</sup> (FIFTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a prize play symbol of \$40<sup>00</sup> (FORTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets with a prize play symbol of \$25<sup>00</sup> (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with a prize play symbol of \$20<sup>00</sup> (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

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

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 43,200,000 Tickets</i>
	\$2			\$2	25	1,728,000
		\$2		\$2	25	1,728,000
			\$2	\$2	30	1,440,000
\$4				\$4	150	288,000
	\$4			\$4	150	288,000
		\$4		\$4	150	288,000
			\$4	\$4	150	288,000
	\$2	\$2		\$4	150	288,000
	\$2		\$2	\$4	150	288,000
			\$2 x 2	\$4	150	288,000
\$5				\$5	150	288,000
	\$5			\$5	150	288,000
		\$5		\$5	150	288,000
			\$5	\$5	166.67	259,200
\$10				\$10	250	172,800
	\$10			\$10	750	57,600
		\$10		\$10	750	57,600
\$5	\$5			\$10	750	57,600
\$5		\$5		\$10	750	57,600
\$5			\$5	\$10	750	57,600
			\$2 x 5	\$10	750	57,600
			\$5 x 2	\$10	750	57,600
\$20				\$20	1,500	28,800
	\$20			\$20	1,500	28,800
			\$10 x 2	\$20	1,500	28,800
			\$4 x 5	\$20	1,500	28,800
			\$5 x 4	\$20	1,500	28,800
\$25				\$25	1,500	28,800
	\$25			\$25	1,500	28,800
		\$25		\$25	1,500	28,800
			\$25	\$25	1,500	28,800
			\$5 x 5	\$25	1,500	28,800
\$40				\$40	4,800	9,000
	\$40			\$40	4,800	9,000
		\$40		\$40	4,800	9,000
			\$40	\$40	4,800	9,000
\$20	\$20			\$40	4,800	9,000
\$20		\$20		\$40	4,800	9,000
\$20			\$20	\$40	4,800	9,000
\$10	\$10	\$10	\$2 x 5	\$40	4,800	9,000
\$10	\$10	\$10	\$5 x 2	\$40	4,800	9,000

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 43,200,000 Tickets</i>
\$20			\$10 × 2	\$40	4,800	9,000
\$50				\$50	8,000	5,400
	\$50			\$50	8,000	5,400
		\$50		\$50	8,000	5,400
\$10	\$20		\$20	\$50	8,000	5,400
\$20	\$20	\$5	\$5	\$50	8,000	5,400
	\$20	\$20	\$5 × 2	\$50	8,000	5,400
\$10	\$10	\$10	\$4 × 5	\$50	8,000	5,400
\$10	\$10	\$10	\$5 × 4	\$50	8,000	5,400
\$10	\$10	\$10	\$10 × 2	\$50	8,000	5,400
\$20	\$20		\$5 × 2	\$50	12,000	3,600
\$100				\$100	8,000	5,400
	\$100			\$100	8,000	5,400
		\$100		\$100	8,000	5,400
			\$100	\$100	8,000	5,400
			\$50 × 2	\$100	8,571	5,040
\$500				\$500	40,000	1,080
	\$500			\$500	40,000	1,080
		\$500		\$500	40,000	1,080
			\$500	\$500	40,000	1,080
\$100	\$100	\$100	\$100 × 2	\$500	40,000	1,080
	\$1,000			\$1,000	120,000	360
		\$1,000		\$1,000	120,000	360
			\$1,000	\$1,000	120,000	360
			\$500 × 2	\$1,000	120,000	360
	LIFE			\$1,000/WK/LIFE	14,400,000	3
		LIFE		\$1,000/WK/LIFE	14,400,000	3
			LIFE	\$1,000/WK/LIFE	14,400,000	3

Fast Cash Bonus—Reveal prize amount from \$4 to \$500, win that prize.

Game 1—Get 3 like amounts, win that prize. Get three “LIFE” symbols, and win \$1,000 a week for life.

Game 2—Get three “MONEYBAG” (BAG) symbols in a row, column or diagonal, win prize shown. When the prize won is “LIFE,” you win \$1,000 a week for life.

Game 3—When any of YOUR SYMBOLS match either LUCKY SYMBOL, win the prize shown under the matching symbol. When the prize won is “LIFE,” you win \$1,000 a week for life.

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

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania \$1,000 A Week For Life game, “lifetime” for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1,000 A Week For Life instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1,000 A Week For Life, prize money from winning Pennsylvania \$1,000 A Week For Life instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1,000 A Week For Life instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1,000 A Week For Life or through normal communications methods.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2203. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Pennsylvania King Of Cash Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:



1. *Name:* The name of the game is Pennsylvania King Of Cash.

2. *Price:* The price of a Pennsylvania King Of Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania King Of Cash instant lottery game ticket will contain a "DEALER'S TOTAL" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature 10 "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S HAND" area are: 16 (SIXTN), 17 (SEVTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENTY) play symbols. The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" in the "YOUR HANDS" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE). A = 11, J, Q and K = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas for "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" are: \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$25.<sup>00</sup> (TWY FIV), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

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

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania King Of Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol

of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$400 (FOR HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$80.

(n) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol

of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets where two King (KNG) playing card symbols appear in any “HAND,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$25.

(u) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets where two Queen (QUN) playing card symbols appear in any “HAND,” and a prize symbol

of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets where two Queen (QUN) playing card symbols appear in any “HAND,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$5.

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

<i>If The Sum Of Any Of Your Hands Beats The Dealer's Total Win Prize Shown Under That Hand. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$5	\$5	10	960,000
\$5 × 2	\$10	60	160,000
\$5 w/PAIR OF QUEENS	\$10	30	320,000
\$10	\$10	60	160,000
\$5 × 4	\$20	300	32,000
\$10 × 2	\$20	300	32,000
\$10 w/PAIR OF QUEENS	\$20	150	64,000
\$20	\$20	300	32,000
\$5 × 5	\$25	300	32,000
\$5 w/PAIR OF KINGS	\$25	300	32,000
(\$5 w/PAIR OF QUEENS) + (\$5 × 3)	\$25	300	32,000
(\$10 w/PAIR OF QUEENS) + \$5	\$25	300	32,000
\$25	\$25	300	32,000
\$5 × 8	\$40	600	16,000
(\$5 w/PAIR OF KINGS) + (\$5 × 3)	\$40	600	16,000
\$10 × 4	\$40	600	16,000
\$20 w/PAIR OF QUEENS	\$40	600	16,000
\$40	\$40	600	16,000
\$5 × 10	\$50	600	16,000
\$10 w/PAIR OF KINGS	\$50	600	16,000
\$25 × 2	\$50	600	16,000
\$25 w/PAIR OF QUEENS	\$50	600	16,000
\$50	\$50	600	16,000
\$10 × 10	\$100	1,846	5,200
\$20 w/PAIR OF KINGS	\$100	1,846	5,200
\$25 × 4	\$100	1,714	5,600
(\$40 w/PAIR OF QUEENS) + (\$5 × 4)	\$100	1,846	5,200
\$50 w/PAIR OF QUEENS	\$100	1,846	5,200
\$100	\$100	1,846	5,200
\$40 × 10	\$400	30,000	320
\$50 × 8	\$400	30,000	320
(\$50 w/PAIR OF KINGS) + (\$50 × 3)	\$400	30,000	320
(\$100 w/PAIR OF QUEENS) + (\$25 × 8)	\$400	30,000	320
\$400	\$400	30,000	320
\$50 × 10	\$500	30,000	320
\$100 × 5	\$500	30,000	320
(\$100 w/PAIR OF QUEENS) + (\$50 × 6)	\$500	30,000	320
\$100 w/PAIR OF KINGS	\$500	30,000	320

If The Sum Of Any Of Your Hands Beats The Dealer's Total Win Prize Shown Under That Hand. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 9,600,000 Tickets
\$500	\$500	30,000	320
\$100 × 10	\$1,000	40,000	240
(\$100 w/PAIR OF KINGS) + (100 × 5)	\$1,000	40,000	240
\$500 × 2	\$1,000	40,000	240
\$500 w/PAIR OF QUEENS	\$1,000	40,000	240
\$1,000	\$1,000	40,000	240
\$10,000	\$10,000	480,000	20
\$100,000	\$100,000	480,000	20

PAIR OF QUEENS (QUN) = Win double the prize shown under that hand.  
PAIR OF KINGS (KNG) = Win 5 times the prize shown under that hand.

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

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

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

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

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

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2204. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania Lucky Cherries Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Cherries.

2. *Price:* The price of a Pennsylvania Lucky Cherries instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky Cherries instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. Each

"GAME" features a play area and a "Prize" area. The play symbols and their captions located in the play area are: Banana symbol (BAN), Grapes symbol (GRPS), 7 symbol (SVN), Peach symbol (PCH), Bell symbol (BEL), Mellon symbol (MEL), Strawberries symbol (STRA), Pineapple symbol (PNA), Horse Shoe symbol (SHO), Moneybag symbol (MBAG), Bar symbol (BAR), Diamond symbol (DMD), Crown symbol (CRN), Sun symbol (SUN) and a Cherries symbol (CHRY).

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area of each "GAME" are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$4,000 (FOR THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$40, \$100, \$1,000 and \$4,000. The player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 16,800,000 tickets will be printed for the Pennsylvania Lucky Cherries instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$4,000 (FOR THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4,000.

(b) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Cherries instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

*Match 3 Like Symbols In Any Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 16,800,000 Tickets</i>
FREE	FREE \$1 TICKET	1,456,000
\$1	\$1	224,000
\$1 x 2	\$2	280,000
\$1 w/CHERRIES	\$2	336,000
\$2	\$2	336,000
\$1 x 4	\$4	84,000
\$2 x 2	\$4	84,000
\$2 w/CHERRIES	\$4	112,000
\$4	\$4	112,000
(\$1 x 3) + \$2	\$5	56,000
\$5	\$5	56,000
(\$3 x 3) + \$1	\$10	39,200
\$5 x 2	\$10	39,200
\$5 w/CHERRIES	\$10	44,800
\$10	\$10	44,800
\$5 x 4	\$20	11,200
\$10 x 2	\$20	11,200
\$10 w/CHERRIES	\$20	22,400
\$20	\$20	11,200
\$10 x 4	\$40	4,060
\$20 x 2	\$40	4,060
\$20 w/CHERRIES	\$40	4,200
\$40	\$40	4,060
(\$20 x 3) + \$40	\$100	2,100
(\$40 x 2) + (\$10 x 2)	\$100	2,100
(\$40 w/CHERRIES) + \$20	\$100	2,100

Match 3 Like Symbols In Any Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 16,800,000 Tickets
\$100	8,000	2,100
\$1,000	240,000	70
\$1,000 × 4	480,000	35
\$4,000	480,000	35

Get a "CHERRIES" (CHRY) symbol, win double the prize shown to the right of that symbol.

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

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

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

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

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

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2205. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania My Lucky Valentine Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania My Lucky Valentine.

2. *Price:* The price of a Pennsylvania My Lucky Valentine instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania My Lucky Valentine instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME

9," "GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. The play symbols and their captions located in the 12 play areas are: Balloon symbol (BALLOON), Cupcake symbol (CUPCAKE), Cash symbol (CASH), Couple symbol (COUPLE), Crown symbol (CROWN), Diamond symbol (DMND), Gift symbol (GIFT), Kiss symbol (KISS), Note symbol (NOTE), Moneybag symbol (MNYBAG), Wallet symbol (WALLET), Necklace symbol (NCKLACE), Candle symbol (CANDLE), Double Heart symbol (DBLHRT) and a Rose symbol (ROSE).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for GAME 1 through GAME 12 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,200,000 tickets will be printed for the Pennsylvania My Lucky Valentine instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that Double Heart (DBLHRT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Rose (ROSE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the

“PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$5.

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

<i>Get Two Like Symbols In The Same Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,200,000 Tickets</i>
\$5	\$5	8.57	490,000
\$5 × 2	\$10	60	70,000
\$5 w/DOUBLE HEART	\$10	30	140,000
\$10	\$10	40	105,000
\$10 w/ DOUBLE HEART	\$20	120	35,000
\$20	\$20	120	35,000
\$5 w/ROSE	\$25	120	35,000
\$25	\$25	120	35,000
\$5 × 8	\$40	600	7,000
(\$5 w/ROSE) + (\$5 × 3)	\$40	600	7,000
\$10 × 4	\$40	600	7,000
\$20 w/DOUBLE HEART	\$40	600	7,000
\$40	\$40	600	7,000
\$5 × 10	\$50	600	7,000
\$10 w/ROSE	\$50	600	7,000
(\$20 × 2) + (\$5 × 2)	\$50	600	7,000
\$25 w/DOUBLE HEART	\$50	600	7,000
\$50	\$50	600	7,000
(\$5 × 10) + (\$25 × 2)	\$100	2,353	1,785
\$10 × 10	\$100	2,400	1,750

Get Two Like Symbols In The Same Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,200,000 Tickets
\$20 w/ROSE	\$100	2,353	1,785
\$25 × 4	\$100	2,400	1,750
\$50 × 2	\$100	2,400	1,750
\$50 w/DOUBLE HEART	\$100	2,400	1,750
\$100	\$100	2,400	1,750
(\$20 × 10) + (\$100 × 2)	\$400	30,000	140
\$40 × 10	\$400	30,000	140
(\$50 w/ROSE) + (\$50 × 3)	\$400	30,000	140
(\$100 w/DOUBLE HEART) + (\$100 × 2)	\$400	30,000	140
\$400	\$400	30,000	140
(\$40 × 10) + (\$50 × 2)	\$500	24,000	175
\$50 × 10	\$500	24,000	175
\$100 × 5	\$500	24,000	175
\$100 w/ROSE	\$500	24,000	175
\$500	\$500	24,000	175
\$500 w/DOUBLE HEART	\$1,000	24,000	175
\$1,000	\$1,000	24,000	175
\$50,000	\$50,000	420,000	10

Get a "DOUBLE HEART" (DBLHRT) symbol, win double the prize shown for that game.

Get a "ROSE" (ROSE) symbol, win 5 times the prize shown for that game.

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

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

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

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

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

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2206. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania White Ice 9s Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania White Ice 9s.

2. *Price:* The price of a Pennsylvania White Ice 9s instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania White Ice 9s instant lottery game ticket will contain one play area. The play symbols printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and 9 (BLACK9). The play symbols printed in white ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and 9 (WHITE9).

4. *Prize Symbols:* The prize symbols and their captions are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$90<sup>00</sup> (NINTY), \$100 (ONE HUN), \$500 (FIV HUN), \$900 (NIN HUN) and \$29,000 (TWININTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$9, \$10, \$20, \$30, \$50, \$90, \$100, \$500, \$900, and \$29,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania White Ice 9s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$29,000 (TWININTHO) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$29,000.

(b) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$900 (NIN HUN) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$900.

(c) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$900.

(d) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$450.

(f) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$90.00 (NINTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(h) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(i) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$9.00 (NIN DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$81.

(j) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$45.

(l) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$30.00 (THIRTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$3.00 (THR DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(n) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$20.00 (TWENTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$18.

(p) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$9.00 (NIN DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(r) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(s) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$3.00 (THR DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

<i>Find A Black "9" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$1 x 2	\$2	21.43	560,000
\$2	\$2	23.08	520,000
\$1 x 3	\$3	33.33	360,000
\$3	\$3	33.33	360,000
\$1 x 5	\$5	75	160,000



<i>Find A Black "9" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$5	\$5	75	160,000
\$1 × 9	\$9	300	40,000
\$1 w/WHITE 9	\$9	150	80,000
\$9	\$9	300	40,000
\$1 × 10	\$10	750	16,000
\$2 × 5	\$10	750	16,000
(\$1 w/WHITE 9) + \$1	\$10	375	32,000
\$10	\$10	750	16,000
\$2 × 10	\$20	750	16,000
(\$2 w/WHITE 9) + \$2	\$20	500	24,000
\$5 × 4	\$20	1,500	8,000
\$10 × 2	\$20	1,500	8,000
\$20	\$20	500	24,000
\$5 × 6	\$30	2,400	5,000
(\$1 w/WHITE 9) + (\$3 × 7)	\$30	2,400	5,000
(\$2 w/WHITE 9) + (\$3 × 4)	\$30	2,400	5,000
(\$3 w/WHITE 9) + \$3	\$30	2,400	5,000
\$10 × 3	\$30	2,400	5,000
\$30	\$30	2,400	5,000
\$5 × 10	\$50	2,400	5,000
(\$5 w/WHITE 9) + \$5	\$50	2,400	5,000
\$10 × 5	\$50	2,400	5,000
\$50	\$50	2,400	5,000
\$9 × 10	\$90	4,800	2,500
\$10 × 9	\$90	4,800	2,500
(\$9 w/WHITE 9) + \$9	\$90	4,800	2,500
\$10 w/WHITE 9	\$90	4,800	2,500
\$30 × 3	\$90	4,800	2,500
\$90	\$90	4,800	2,500
\$10 × 10	\$100	10,000	1,200
(\$10 w/WHITE 9) + (\$5 × 2)	\$100	10,000	1,200
(\$10 w/WHITE 9) + \$10	\$100	10,000	1,200
\$50 × 2	\$100	10,000	1,200
\$100	\$100	10,000	1,200
\$50 × 10	\$500	60,000	200
\$100 × 5	\$500	60,000	200
(\$50 w/WHITE 9) + \$50	\$500	40,000	300
\$500	\$500	60,000	200
\$90 × 10	\$900	60,000	200
\$100 w/WHITE 9	\$900	40,000	300
\$900	\$900	40,000	300
\$29,000	\$29,000	600,000	20

WHITE 9 (WHITE9) = Win 9 times the prize shown to the right of that symbol.

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

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania White Ice 9s, prize money from winning Pennsylvania White Ice 9s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania White Ice 9s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania White Ice 9s or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2207. Filed for public inspection November 25, 2009, 9:00 a.m.]

# ENVIRONMENTAL HEARING BOARD

## GSP Management Company v. DEP; EHB Doc. No. 2009-142-M

The GSP Management Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to GSP Management Company for a facility in Halifax Township, Dauphin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 09-2208. Filed for public inspection November 25, 2009, 9:00 a.m.]

# HUMAN RELATIONS COMMISSION

## Proposed Adoption of Policy Guidance

The Pennsylvania Human Relations Commission, or PHRC, proposes the adoption of policy guidance titled, *The Disparate Impact Discrimination Implications of a Denial of Employment Based on a Criminal Record*. The proposed guidance is intended to provide assistance to public and private employers, employment agencies and labor unions in their efforts to comply with the employment provisions found in the Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

The proposed guidance, unlike PHRC regulations, does not have the full force and effect of law, but is meant to serve as a tool to help ensure equal opportunity for all who seek employment in this Commonwealth. Guidance is also intended as a preventative measure to reduce employment discrimination by helping jobseekers, employees and employers understand the implications of adopting hiring and job retention policies that may disparately impact racial minority job applicants and employees. Additional background documents in the form of Appendix A and Appendix B are available on the Commission web site at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

### Public Comments

Public comments, prior to final consideration of the proposed guidance, will be received by the Commission

for a period of 60 days ending on January 26, 2010. Comments may be submitted by e-mail to [phrc@state.pa.us](mailto:phrc@state.pa.us) and should include the subject line, "Comments on Proposed Policy Guidance." Comments can also be mailed to Homer C. Floyd, Executive Director, Pennsylvania Human Relations Commission, 301 Chestnut Street, Suite 300, Harrisburg, PA 17101-1702. Comments submitted by fax will not be accepted.

### Consideration of Comments

Commissioners will have the opportunity to review comments prior to consideration of final policy guidance, which is tentatively scheduled during their monthly public meeting, held February 22, 2010, at the address listed previously. The meeting begins at 1 p.m. and is open to the public. To determine whether consideration of comments will be on the agenda, contact the Commission the week prior to the meeting at (717) 787-4410.

### Policy Guidance Concerning the Disparate Impact Discrimination Implications of a Denial of Employment Based on a Criminal Record

Prepared by Pennsylvania Human Relations Commission. (Adopted by the Pennsylvania Human Relations Commission on \_\_\_\_\_).

### The Policy Guidance

#### 1. Presumption of Disparate Impact.

It is the position of the Pennsylvania Human Relations Commission (PHRC or Commission) that an employer's policy or practice of excluding individuals from employment on the basis of a prior criminal conviction has a disparate impact on Blacks and Hispanics in light of statistics that demonstrate that they are convicted at a rate disproportionately greater than their representation in the population.<sup>1</sup>

Given this position, when investigating complaints of alleged unlawful disparate impact discrimination presented by Black and Hispanic complainants that are otherwise jurisdictional, the PHRC will presume that the complainant has established the disparate impact element of a *prima facie* case of unlawful discrimination under Section 5 of the Pennsylvania Human Relations Act (PHRA).

The PHRC takes the position that this presumption is warranted in light not only of national data demonstrating the disparity but also in light of data showing that Pennsylvania has a more pronounced racial disparity in its conviction and incarceration rates than the nation as a whole. Consequently, Black or Hispanic complainants alleging disparate impact based on an employer's conviction policy need not provide statistical evidence to establish the disparate impact element of a *prima facie* case.

#### 2. Presumption of Disparate Impact is Rebuttable.

To rebut the presumption of disparate impact, respondent employers, upon an appropriate showing of relevance, may utilize conviction data from a more limited geographical boundary than the Commonwealth of Pennsylvania (for example, the relevant city, census region or county) or conviction data for the specific crimes being screened by the respondent. In utilizing more narrowly drawn statistics, the Commission also will consider "applicant pool" data. The Commission notes, however, that there is an inherent likelihood that such "applicant pool"

<sup>1</sup>As is more fully discussed in Section 2 of the Overview of the Need for and Parameters of the Policy Guidance which follows the Policy Guidance, nothing in the Policy Guidance is intended to prohibit employers from denying employment based on a criminal record where required or authorized to do so based on existing State or Federal laws.

data will exclude otherwise interested applicants who chose not to apply due to the existence of an employer's conviction policy or practice and may thus have little persuasive effect. Moreover, in accordance with prior U.S. Supreme Court decisions, an employer cannot rebut a presumption of disparate impact by relying on evidence of diversity within its workplace (that is, the so-called "bottom-line defense").

### 3. The Business Necessity Defense.

A respondent employer, in addition to being able to offer evidence intended to rebut the presumption, also may defend the existence of such a policy or practice by presenting evidence intended to prove that the policy or practice is required as a matter of business necessity.

If a respondent employer's criminal records conviction policy has a disparate impact, it will not be deemed a violation of Section 5 of the PHRA if the employer can demonstrate that the policy is justified by business necessity. To demonstrate business necessity, an employer must show with "some level of empirical proof" that the individual excluded from employment has been convicted of a crime, not merely arrested<sup>2</sup>, and poses an "unacceptable level of risk."

Among the factors the Commission will consider in deciding whether the employer has provided evidence that amounts to "some level of empirical proof" that the disqualified individual poses an "unacceptable level of risk," the Commission will consider the following:

- *The circumstances, number and seriousness of the disqualified individual's prior offense(s).*

- *Whether the disqualified individual's prior conviction substantially relates to his or her suitability for the job.* In determining whether the conviction relates to the job, the Commission will consider: (1) the duties and responsibilities of the job; and (2) the bearing, if any, of the applicant's prior criminal offense(s) on the applicant's suitability to assume these duties and responsibilities.

- *The length of time that has elapsed subsequent to the disqualified individual's conviction, or release from prison.* Modern criminological research shows that the risk of recidivism clearly decreases with time. The Commission, therefore, will consider the length of time that has elapsed subsequent to the individual's conviction or release from prison. A presumption against business necessity will be established if an individual has not re-offended seven or more years prior to his or her disqualification (excluding time spent in jail or prison).

- *Evidence of the disqualified individual's rehabilitation, including:*

- satisfactory completion of all terms and conditions of parole and/or probation;
- maintenance of steady employment since the conviction or release from prison;
- educational attainment or professional training since the conviction;
- completion of rehabilitative treatment (for example, alcohol or drug treatment);
- letters of recommendation from employers, parole, or probation officers who have been in contact with the individual subsequent to his or her conviction or release from prison.

<sup>2</sup>Arrests which have not led to conviction should virtually never be considered for hiring purposes within the Commonwealth of Pennsylvania. The Pennsylvania Superior Court held that 18 Pa.C.S.A. § 9125—based on its legislative history—precludes employers from considering arrests not leading to conviction. See *Cisco v. United Parcel Services*, 476 A.2d 1340 (Pa. Super. 1984).

- *The manner in which the employer solicited the disqualified individual's criminal history during the hiring process.* A hiring policy in which the employer considers the above-listed factors and does not inquire into, or consider, an individual's criminal background until later stages of the hiring process (for example, after the interview or after a conditional offer of employment has been made) will be looked upon favorably by the Commission.

### 4. Evidence of the Existence of alternative, less discriminatory measures.

If the employer is able to demonstrate that the challenged employment disqualification policy or practice is justified by business necessity, a complainant may prevail on a disparate impact claim if he or she can demonstrate that there is an alternative, less discriminatory policy or practice available that would satisfy the employer's demonstrated business needs.

## Overview of the Need for and Parameters of Policy Guidance Concerning the Disparate Impact Discrimination Implications Related to a Denial of Employment Based on a Criminal Record

### 1. Introduction.

The Pennsylvania Human Relations Commission (hereinafter Commission or PHRC), cognizant of the fundamental guarantee found in the Pennsylvania Human Relations Act (hereinafter PHRA) that the opportunity to obtain employment is a civil right that must be provided irrespective of race, color, religious creed, ancestry, age, sex, national origin, non-job related disability or other protected classification sets forth the following Guidance for use by those responsible for providing employment opportunities within the Commission's jurisdiction. Those responsible for providing such employment opportunities include, but are not limited to, the Commonwealth or any political subdivision or board, department, commission or school district as well as any person employing four or more persons within the Commonwealth unless otherwise excluded under the PHRA and all others involved, whether directly or indirectly, in providing employment opportunities.

The Commission, in proposing this Guidance, begins with the recognition that it is the expressed public policy of the Commonwealth to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, sex, national origin, non-job related disability or other protected classification found in the PHRA. The Commission further recognizes that to safeguard the right to obtain and hold employment without unlawful discrimination and to assure equal opportunities requires the elimination of policies or practices not only that result in disparate treatment but also that have a disparate or adverse impact on one or more protected classes under the PHRA within the parameters set forth in this Guidance.<sup>3</sup>

The Commission notes at the outset that this Guidance, as is apparent from the Guidance Heading, is limited to delineating Guidance in the area of the disparate impact theory of proving discrimination. Such Guidance does not affect complaints alleging disparate treatment on a prohibited protected class basis with respect to an employer's use of a conviction record as a disqualification from employment. A complaint brought under the disparate treatment theory of discrimination is one that includes an

<sup>3</sup>The terms "disparate impact" and "adverse impact" as they may appear in the Guidance have the same meaning and may be used interchangeably.

allegation, for example, that an employer rejects African American applicants who have a conviction record but does not reject similarly situated Caucasian applicants. Complainants alleging disparate treatment regarding disqualification from employment based on a conviction record will continue to be processed in accordance with standard PHRC policies and procedures for investigating disparate treatment cases.

## 2. Parameters and Purpose of Policy Guidance.

In proposing this Guidance, the Commission has set forth factors that it considers to be important in determining whether, in any given case, a party has engaged in unlawful disparate impact discrimination based on race, ethnicity or other protected classification in violation of Section 5 of the PHRA. In so doing, the Commission reiterates its longstanding position that this Guidance is not intended to impose hard and fast rules that must be absolutely applied without regard to the specific facts involved. The Guidance is intended to provide both guidance and assistance to those who come under the jurisdiction of the Commission as it continues its effort to ensure that the right to equal employment opportunities as set forth in the PHRA is achieved.

Nothing in this Guidance shall affect statutory or regulatory requirements. The Guidance is neither an adjudication nor a regulation. There is no intent on the part of the PHRC to give the Guidance that type of binding force or effect. This Guidance indicates the manner in which the Commission intends to exercise its administrative discretion, unless it is convinced otherwise during the course of a specific proceeding. The Commission, as in the past, remains committed to ensuring that its adjudicative determinations are made on a case-by-case basis after consideration of all evidence of record in the given matter.

To this end, the Guidance may be deviated from whenever the PHRC believes that any statute or regulation requires it, or that it is otherwise appropriate to do so. The Guidance may not be cited as binding legal authority for any PHRC ruling, adjudication or other legally binding action. The legal rationales set forth in a policy guidance may be cited as the basis for PHRC action to the extent that the Commission believes the rationale is valid in the context of the specific proceeding.

The Commission recognizes that various State and Federal laws require some employers to obtain criminal records and reject applicants with certain convictions from employment. This Guidance is limited to delineating policy guidance in the area of the disparate impact theory of proving discrimination under the PHRA and has no impact upon these laws. Because of the above, and consistent with the underlying premise that policy guidance is intended to assist employers in complying with the law, attached to this Policy Guidance on the web site under Appendix A is an illustrative list of various State and Federal laws which require employers to reject applicants with certain convictions from employment. The Commission encourages employers who may be impacted by such laws to fully explore and understand the parameters of such laws, as well as any others that may be applicable, and to confine any employment restrictions solely to those parameters.

## 3. Summary of Need for the Issuance of the Policy Guidance.

Criminal background checks have become a routine part of the hiring process throughout Pennsylvania and the United States. Whereas 51% of large employers used

criminal background checks in 1996, 80% of large employers utilized them in 2003, and the percentage is likely even greater today. Due to the increased use of criminal background checks for screening prospective and current employees, a growing number of Americans are being excluded from employment opportunities on the basis of having a prior criminal record. In Pennsylvania, legal services organizations such as Community Legal Services (CLS) report that job applicants with criminal records are routinely facing “unwarranted stigmatization” by employers—in contravention to the public policy of the Commonwealth.

Employment policies or practices that disqualify individuals from employment on the basis of a prior criminal conviction may violate State and Federal civil rights statutes. While such hiring policies are facially neutral they can produce a severe disparate impact on Black and Hispanic populations due to the significantly higher rates of criminal convictions experienced by these populations.

At the Federal level, the Equal Employment Opportunity Commission (EEOC) has issued a Policy Statement advising that hiring policies which exclude individuals from employment on the basis of a prior conviction are “unlawful under Title VII in the absence of a justifying business necessity.” Federal courts, including the Third Circuit, have interpreted Title VII in a similar manner as the EEOC. However, the Commission has yet to issue any guidance on the acceptable considerations of a criminal background under the PHRA.

Because current data from Pennsylvania indicates that racial minorities have significantly higher rates of conviction and incarceration than Whites and that this in-state racial disparity is significantly more pronounced than the national average, the exclusion from employment of individuals with prior convictions in Pennsylvania is having a disparate impact on protected classes under the PHRA. According to CLS, the unwarranted use by employers of criminal background information remains the “most significant” issue of employment discrimination faced by their clients.

Among the data reviewed by the Commission in connection with its decision to consider adopting this Policy Guidance are the following:

- As of June 2008, Black Americans were incarcerated in State and Federal prisons at a rate 6.5 times higher than Whites.
- The Department of Justice estimates that the lifetime chance of a Black male going to prison is 32.6%. The lifetime chance for an Hispanic male is 17.2%. By contrast the respective rate for White males is 5.9%.
- The rate of incarceration in State prisons and local jails is higher for Blacks than Whites in every single state.
- Blacks have a higher jail incarceration rate than Whites for every violent offense, property offense, and drug offense measured by the Department of Justice.

The disparity in incarceration and conviction rates between Black, Hispanic and White Americans is more pronounced in the Commonwealth of Pennsylvania than it is for the nation as a whole. For example:

- The Pennsylvania incarceration rate for Blacks is 9.2 times higher than the incarceration rate for Whites in State prisons and local jails.
- Only 9 other states have a more pronounced disparity in incarceration rates between Blacks and Whites than Pennsylvania.

- The Pennsylvania incarceration rate for Hispanics is 5.6 times higher than the incarceration rate for Whites in State prisons and local jails. Only one other state has a greater disparity.

- Although minorities comprise less than 14% of the Pennsylvania population, they received 32% of the convictions issued in 2007.

#### 4. PHRC Executive and Legal Staff Review of the Policy Guidance.

Commission staff, prior to development of the proposed Policy Guidance, prepared and presented to Commissioners a Proposed Policy Guidance memorandum on the issue of disqualification from employment based on criminal records history. Additionally, Commissioners had the opportunity to hear presentations from staff involved in the matter as well as an attorney from Community Legal Services who had previously presented testimony to the Equal Employment Opportunity Commission on the subject of disqualification from employment based on criminal records history.

Development of the Policy Guidance springs from and is framed by the aforementioned memorandum. Reliance on the memorandum is deemed appropriate because of its review for content and legal sufficiency by members of the Executive Staff and by the Office of Chief Counsel. Following said reviews, a joint recommendation for adoption of the Policy Guidance in a manner consistent with the information provided in the memorandum was made to the Commissioners by the Executive Director and Chief Counsel. Based upon the recommendation, and after review of the material provided, Commissioners directed the Executive Director and Office of Chief Counsel to prepare a proposed Policy Guidance consistent with the analysis and recommendations found in the memorandum for consideration by the Commissioners.

Because of the above, and consistent with the underlying premise that any Policy Guidance is intended to assist employers in complying with the law, attached to the Policy Guidance on the web site under Appendix B and incorporated by reference into said Guidance to the extent not otherwise set forth is a copy of the staff memorandum.

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 09-2209. Filed for public inspection November 25, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Allstate Fire and Casualty Insurance Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On November 11, 2009, Allstate Fire and Casualty Insurance Company submitted a filing for rate level changes for private passenger automobile insurance to the Insurance Department (Department).

The company requests an overall 8.5% increase amounting to \$21.436 million annually, to be effective February 15, 2010, for new business and March 18, 2010, for renewals.

Unless formal administrative action is taken prior to December 11, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, e-mail at [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2210. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application for Approval to Acquire Control of PMA Capital Insurance Company

#### Conclusion of Public Comment Period

On June 7, 2008, the Insurance Department (Department) published notice in the *Pennsylvania Bulletin* that they had received from The Armour Reinsurance Group Limited an application to acquire control of PMA Capital Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The notice afforded persons the opportunity to provide written comments on the filings to the Department on the grounds of public or private interest for a period to expire no earlier than September 5, 2008 ("the Public Comment Period").

On September 13, 2008, the Department published notice in the *Pennsylvania Bulletin* to announce an extension of the Public Comment Period for an indefinite period of time to afford persons ample opportunity to provide written comments.

The purpose of this notice is to announce that the Department will close the Public Comment Period on December 11, 2009. Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2211. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application for Approval of the Recapitalization of Daily Underwriters of America

Daily Underwriters of America, a Pennsylvania domiciled stock property insurance company, has submitted a Plan of Recapitalization, whereby it proposes to reduce the stated capital of the company. The initial filing was made under 15 Pa.C.S. §§ 1101—4162 (relating to the Business Corporation Law of 1988) and the GAA Amendments Act of 1990 (15 P.S. §§ 21205—21207). Persons

wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this recapitalization are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2212. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Pennsylvania Casualty Company**

Pennsylvania Casualty Company, a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room

1345, Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2213. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **GKK McKnight, LLP Golden Oil; Prehearing**

#### **Appeal of GKK McKnight, LLP Golden Oil under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0137(M); Doc. No. UT09-10-011**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on December 16, 2009, at 9:30 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102, on or before November 30, 2009. Answers to petitions to intervene, if any, shall be filed on or before December 14, 2009.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2214. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **General Guidance for Disclosure of Prescribed Differences from NAIC Statutory Accounting Principles; No. 2009-11**

This document supersedes the notice published at 34 Pa.B. 6807 (December 25, 2004) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

By Insurance Department Notice Nos. 1998-04 and 2000-02, all types of domestic insurers were advised of the requirement to adhere to the NAIC's codified *Accounting Practices and Procedures Manual* (Manual) in preparing financial statements to be filed with the Insurance Department (Department). The Manual establishes a comprehensive basis of accounting to be adhered to when not in conflict with the statutes or regulations of an insurer's domiciliary state or when the domiciliary state's statutes and regulations are silent. It does not preempt the legislative or regulatory authority of the states.

The Department has identified the following Pennsylvania laws and regulations relating to statutory financial statement presentation that *may* require disclosure<sup>1</sup> in the notes to financial statements and CPA audit reports filed by domestic insurers:

*Pennsylvania Laws and Regulations*

31 Pa. Code Chapter 161.6 (relating to revocation of reinsurer qualification)

*NAIC Statements of Statutory Accounting Principles (SSAP) and Appendices*

A-785 Credit for Reinsurance (9.e.)

<sup>1</sup>See SSAP No. 1, Disclosure of Accounting Policies, Risks & Uncertainties, and Other Disclosures and A-205, Illustrative Disclosure of Differences Between NAIC Statutory Accounting Practices And Procedures And Accounting Practices Prescribed Or Permitted By The State of Domicile in the Manual.

*Pennsylvania Laws and Regulations*

31 Pa. Code Chapter 161.8 (relating to credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States)

Section 1008 of The Insurance Company Law of 1921 (40 P. S. § 968) (relating to reserves of reciprocal and inter-insurance exchanges)

31 Pa. Code Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts)

Sections 714—716 of The Insurance Company Law of 1921 (40 P. S. §§ 910-14—910-16) (relating to unearned premium reserves of title insurance companies)

31 Pa. Code Chapter 116 (relating to discounting of worker's compensation loss reserves)

Section 661 of The Insurance Company Law of 1921 (40 P. S. § 832) (relating to premium reserves of surety companies)

This notice provides general guidance to assist in a domestic insurer's review of Pennsylvania laws and regulations to identify required disclosures in financial statements and CPA audit reports. *The laws and regulations referenced in this notice are not intended to be an all-inclusive list.*

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Insurance Department, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142, fax (717) 787-8557, e-mail: stjohanson@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2215. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

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

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

Appeal of Christine Zeigler Gillespie; file no. 09-169-77880; Nationwide Insurance Company of America; Doc. No. P09-11-003; January 5, 2010, 1 p.m.

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

### *NAIC Statements of Statutory Accounting Principles (SSAP) and Appendices*

SSAP No. 62 Property and Casualty Reinsurance

SSAP No. 53 Property Casualty Contracts—Premiums

SSAP No. 54 Individual and Group Accident and Health Contracts and A-010 Minimum Reserve Standards for Individual and Group Health Insurance Contracts

SSAP No. 57 Title Insurance and A-628 Title Insurance

SSAP No. 55 Unpaid Claims, Losses and Loss Adjustment Expenses and No. 65 Property and Casualty Contracts

SSAP No. 53 Property Casualty Contracts—Premiums

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

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

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2216. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of John M. McManus; file no. 09-183-78636; Donegal Mutual Insurance Company; Doc. No. P09-11-013; January 7, 2010, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of James and Robin Wagner; file no. 09-215-75512; Great Northern Insurance Company; Doc. No. PH09-11-004; January 13, 2010, 9 a.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2217. Filed for public inspection November 25, 2009, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Commonwealth Financing Authority Certification for Fiscal Year 2009-2010

I, Mary A. Soderberg, Secretary of the Budget, hereby certify in accordance with, and as required by, section 1543(e) of the act of April 1, 2004 (P. L. 163, No. 22), 64 Pa.C.S. § 1543(e), that:

(1) sufficient surplus revenue will exist in the General Fund for Commonwealth Fiscal Years 2010-2011 and 2011-2012 to pay any liabilities which will be incurred by the Commonwealth during those Fiscal Years if the Commonwealth Financing Authority incurs an additional \$250,000,000 of indebtedness; and,

(2) the aggregate amount of liabilities which will be incurred by the Commonwealth for its Fiscal Years 2010-2011 and 2011-2012 as a result of the activities of the Commonwealth Financing Authority are \$400,000,000 and \$150,000,000 respectively.

MARY A. SODERBERG,  
*Secretary*

[Pa.B. Doc. No. 09-2218. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, December 8, 2009.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 09-2219. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Review of Existing Railroad Transportation Regulations; 52 Pa. Code Chapter 33; Doc. No. M-2009-2140262

To seek more efficient and effective means to regulate the rail industry, the Pennsylvania Public Utility Commission (Commission) has undertaken a review of the existing railroad transportation regulations contained in 52 Pa. Code §§ 33.1—33.129. These regulations, originally adopted in 1945, have not undergone a comprehensive revision since 1975, making many appear obsolete, unenforceable or superseded by Federal law or regulations.

The Commission's regulations pertaining to railroads should reflect the technological and operational changes of the railroad industry that have occurred over the last 30 years and reflect current Federal standards. In addition, this review is intended to ensure that the regulations address a compelling public interest; ensure that the costs of the regulation do not outweigh the benefits; are written in a clear and concise manner; and, where



Federal regulations exist, the Commission's regulations should not exceed Federal standards unless justified by a compelling Commonwealth interest or required by State law. By revising, updating and streamlining these regulations, the Commission will be well prepared to continue to efficiently and effectively regulate this industry.

The Commission has directed that the Law Bureau, in conjunction with the Bureau of Transportation and Safety's Rail Division, undertake a comprehensive review of the Commission's existing rail regulations at 52 Pa. Code Chapter 33 and to prepare a proposed rule-making order to update and amend the existing regulations in this area. Interested parties may file comments regarding any proposed revisions to those regulations, including proposed regulatory language, with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due within 30 days of the date of publication of this notice. Reply comments may also be filed and are due within 45 days of the date of publication of this notice. Comments and reply comments will be posted on the Commission's web site at this docket upon receipt. All comments and reply comments should reference this docket and the specific section of Chapter 33 addressed. An original and three copies of any comments or reply comments must be filed with the Commission.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-2220. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following offices of the Pennsylvania Public Utility Commission's (Commission) Bureaus of Transportation and Safety have recently relocated to the following addresses.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety, Motor Carrier Services and Enforcement Division, David J. Johnston, Western Regional Manager, Pittsburgh District Office and Altoona District Offices, 245 William Pitt Way, Pittsburgh, PA 15238, (412) 423-9309.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety, Motor Carrier Services and Enforcement Division, William P. Kilrain, Philadelphia Regional Manager, Philadelphia Regional Office, 801 Market Street, Philadelphia, PA 19107, (215) 965-3721.

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 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 14, 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-2009-2141249. Rogers M. Ongera, t/a Macungie Medical Transport** (3674 Clauss Drive, Macungie, Lehigh County, PA 18062), for the right to begin to transport persons, in paratransit service, to and from medical appointments, hospitals, nursing homes and rehabilitation centers, from points in the Counties of Berks, Bucks, Lehigh and Northampton, to points in Pennsylvania, and return.

**A-2009-2141314. Mary Jane T. Kline** (447 Glenville Road, Cochranville, Chester County, PA 19330) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County and the portion of Chester County west of Route 10, to points in Pennsylvania, and return.

### Application of the following for approval to begin operating as a broker for transportation of household goods as described under the application.

**A-2009-2141733. Atlas Van Lines, Inc.** (P. O. Box 509, Evansville, IN 47703-0509), a corporation of the Commonwealth of Delaware—brokerage license—to arrange for the transportation of household goods in use, between points in Pennsylvania. *Attorney:* Todd A. Suter, Corporate Counsel & Assistant Secretary, Atlas Van Lines, Inc., 1212 St. George Road, Evansville, IN 47711.

### 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-2009-2128886. Compass R. Care, Ltd.** (507 Pottsville Street, Minersville, Schuylkill County, PA 17954) for the discontinuance of service and cancellation of its certificate as a common carrier, persons in paratransit service, from points in the Counties of Northumberland and Schuylkill, to points in Pennsylvania, and return.

**A-2009-2140936. Centregistics Unlimited, Inc., t/a Tim Fischer's Limousine Service, Inc.** (1015 West College Avenue, State College, Centre County, PA 16801) for the discontinuance of service and cancellation of their certificate as a common carrier, by motor vehicle, for the right to transport, as a common carrier, persons in limousine service, between points in the Borough of State College, Centre County and within an airline distance of 45 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Walter K. Gikami;*  
Doc. No. C-2008-2071103

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Walter K. Gikami, respondent maintains his principal place of business at 125 Houston Avenue, Harrisburg, PA 17103.

2. That respondent was issued a Certificate of Public Convenience by this Commission on October 14, 2008, at A-8910276.

3. That respondent, by certified letter dated July 30, 2008, was informed to submit to a Safety Fitness Review by a Commission Enforcement Officer within 180 days of the date the Certificate of Public Convenience was issued. On July 30, 2009, a certified letter was sent advising respondent that several attempts to contact the company was unsuccessful and advising respondent to contact the Harrisburg District Office within 10 days of the date of the letter to schedule its Safety Fitness Review. The letter was returned on August 5, 2009. The return receipt indicated that Walter K. Gikami moved.

4. That numerous attempts were made by Enforcement Officer Supervisor Kurt Kauffman of the Harrisburg District Office to establish a date and time for respondent's safety fitness review. As of this date, respondent has not contacted the Commission to schedule a safety fitness review.

5. That, to date, respondent has failed to submit its company to a Safety Fitness Review. A satisfactory rating must be achieved by respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

6. That respondent, by failing to obey and comply with a Commission certified letter directing him to submit his company to a Safety Fitness Review, violated 66 Pa.C.S. § 501(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Walter K. Gikami's Certificate of Public Convenience at A-8910276, for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice,

52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2221. Filed for public inspection November 25, 2009, 9:00 a.m.]

#### **Tentative Order**

Public Meeting held  
November 6, 2009

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli;  
Wayne E. Gardner, Absent; Robert F. Powelson

*Law Bureau Prosecutory Staff v. Marathon  
Communications Corp.; Doc. No. C-2009-2130643*

#### **Tentative Order**

*By the Commission:*

Marathon Communications Corp. has failed to file its 2007 Annual Report with the Commission. Failure to file an annual report violates 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Law Bureau Prosecutory Staff filed a complaint at the above docket number for failure to file the 2007 Annual Report. However, the United States Postal Service was unable to deliver the complaint and returned it to the Commission.

Marathon Communications Corp. was issued a certificate of public convenience by the Commission as a reseller of toll services. Based upon the findings of the Law Bureau Prosecutory Staff that Marathon Communications Corp. failed to file its 2007 Annual Report, we tentatively conclude that revocation of Marathon Communications Corp.'s certificate of public convenience is in the public interest.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301; *Therefore*,

*It Is Ordered That:*

1. Revocation of Marathon Communications Corp.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Marathon Communications Corp. at A-310681 will be cancelled by the Secretary's Bureau, and Marathon Communications Corp.'s name shall be stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2222. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Tentative Order**

Public Meeting held  
November 6, 2009

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli; Wayne E. Gardner, Absent; Robert F. Powelson

*Law Bureau Prosecutory Staff v. Millenianet Corp.;*  
*Doc. No. C-2009-2130644*

**Tentative Order**

*By the Commission:*

Millenianet Corp. has failed to file its 2007 Annual Report with the Commission. Failure to file an annual report violates 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter

whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Law Bureau Prosecutory Staff filed a complaint at the above docket number for failure to file the 2007 Annual Report. However, the United States Postal Service was unable to deliver the complaint and returned it to the Commission.

Millenianet Corp. was issued a certificate of public convenience by the Commission as a reseller of toll services. Based upon the findings of the Law Bureau Prosecutory Staff that Millenianet Corp. failed to file its 2007 Annual Report, we tentatively conclude that revocation of Millenianet Corp.'s certificate of public convenience is in the public interest.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301; *Therefore*,

*It Is Ordered That:*

1. Revocation of Millenianet Corp.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Millenianet Corp. at A-311190 will be cancelled by the Secretary's Bureau, and Millenianet Corp.'s name shall be stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2223. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Water Service**

**A-2009-2142015. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in additional portions of Jackson Township, Butler 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 14, 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. 09-2224. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

### Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, December 3, 2009, at 11 a.m. in Conference Room 1, 6th Floor, Forum Place Building, 555 Walnut Street, Harrisburg, PA.

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 09-2225. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-132.S, Trash Removal Services, Tioga Administration Building and Maintenance Building, until 2 p.m. on Tuesday, December 22, 2009. All information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, and will be available Tuesday, December 1, 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. 09-2226. Filed for public inspection November 25, 2009, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### In the Matter of the Citation Issued to Arisleyda A. Munoz; Doc. No. 1883-45-2009

On October 16, 2009, Arisleyda A. Munoz, license number CL182566, of Philadelphia, Philadelphia County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

JANET G. M. SANKO,  
*Chairperson*

[Pa.B. Doc. No. 09-2227. Filed for public inspection November 25, 2009, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Douglas Downing D'Orio, RN, CRNP; Doc. No. 0343-51-2009

On October 1, 2009, Douglas Downing D'Orio, RN, CRNP, license nos. RN566516 and SP009079, last known of Mullica Hill, NJ, had his Pennsylvania licenses to practice nursing indefinitely suspended, based on findings that he is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2228. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Lori Ann Faulx, RN; Doc. No. 0884-51-2009

On October 5, 2009, Lori Ann Faulx, RN, license no. RN562438, last known of Mesa, AZ, had her license to

practice nursing indefinitely suspended, retroactive to July 15, 2009, based on findings that she is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2229. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Dorian Johnson, LPN; Doc. No. 1654-51-2008**

On October 5, 2009, Dorian Johnson, license no. PN260686L, of Philadelphia, Philadelphia County, had her license to practice nursing indefinitely suspended, retroactive to December 10, 2008, based on findings that she is addicted to alcohol or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2230. Filed for public inspection November 25, 2009, 9:00 a.m.]

**STATE BOARD OF VEHICLE  
MANUFACTURERS,  
DEALERS AND  
SALESPERSONS**

**Bureau of Professional and Occupational Affairs v.  
Glenn F. Factor; Doc. No. 0944-60-2009**

On October 6, 2009, Glenn F. Factor, license no. MV139729L, of Philadelphia, Philadelphia County, was revoked and ordered to pay a civil penalty of \$27,000, based upon his criminal convictions.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeal is the previously-named Board Counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 09-2231. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Tara Wright McClintock; Doc. No. 1822-51-2009**

On October 8, 2009, Tara Wright McClintock, license no. PN-102378-L, of Topton, Berks County, had her license reinstated subject to a 3-year suspension stayed in favor of probation, subject to terms and conditions enumerated in the November 7, 2008, State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) order adopting the hearing examiner's memorandum order of September 30, 2008, which required participation in the Commonwealth's Professional Health Monitoring Program.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the Board final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeal is the previously-named Board Counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 09-2232. Filed for public inspection November 25, 2009, 9:00 a.m.]