

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking code of 1965; the act of December 14, 1967 9 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 December 1, 2009.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-16-2009	Northwest Savings Bank Warren Warren County	413 South Logan Boulevard Suite 3 Altoona Blair County	Opened
11-25-2009	Landmark Community Bank Pittston Luzerne County	383 South Poplar Street Hazleton Luzerne County	Approved
11-30-2009	Graystone Tower Bank Lancaster Lancaster County	197 Rocherty Road Lebanon Lebanon County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-5-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 100 Settlers Ridge Center Drive Pittsburgh Allegheny County  <i>From:</i> 6511 Steubenville Pike Pittsburgh Allegheny County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-30-2009	Graystone Tower Bank Lancaster Lancaster County	130 Mullen Street Fort Loudon Franklin County	Filed
11-30-2009	Graystone Tower Bank Lancaster Lancaster County	1574 Buchanan Trail East Greencastle Franklin County	Filed
12-1-2009	Earthstar Bank Southampton Bucks County	8910 Frankford Avenue Philadelphia Philadelphia County	Withdrawn

### SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2281. Filed for public inspection December 11, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan for Federal Fiscal Year

The Department of Community and Economic Development (Department) proposes to adopt the Commonwealth's Action Plan for Federal Fiscal Year (FFY) 2010 and the Program Year that starts on January 1, 2010. The 2010 Action Plan (Plan) is an update of the Commonwealth's Consolidated Plan for FFY 2009-2013.

The Plan updates documents previously submitted to the United States Department of Housing and Urban Development (HUD). These documents include the nonhousing community development plan and any changes that the Department may have implemented concerning the HUD programs administered by the Commonwealth. The programs administered by the Department are the Community Development Block Grant (CDBG), HOME Investment Partnerships, Emergency Shelter Grant, Housing Opportunities for People with AIDS, Homelessness Prevention and Rapid Re-housing Program (HPRP), Neighborhood Stabilization Program, and Community Development Block Grant—Recovery (CDBG-R).

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations of the Commonwealth to comment about the Action Plan. Written comments should be submitted to Karen Overly Smith, Center for Community Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by January 12, 2010 to be included as testimony in the Action Plan.

#### *Public Hearing*

The public hearing on December 22, 2009, will be conducted electronically by means of the Internet, allowing greater accessibility for persons wishing to make comments or discuss policy. Internet access to the public meeting will be held from 9 a.m. to 11 a.m.

Individuals or organization may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, and the content of the Commonwealth's Draft Action Plan for FFY 2010, and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Persons who want to participate must register in advance, by contacting Karen Overly Smith at (717) 214-5340, to receive registration instructions for the

Internet meeting at least 24 hours prior to the meeting date. During the hearing, if support is required, call (717) 214-5340. The hearing will be shortened if no one testifies or if there is minimal response.

Persons with a disability who wish to attend the public hearing should contact Karen Overly Smith, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, or at (717) 214-5340, to discuss how the Department can accommodate their needs. Text telephone calls can be placed through the Pennsylvania AT&T Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

#### *Purpose*

The Commonwealth's Plan is the annual update to the Five Year Consolidated Plan for FFY 2009-2013. This Action Plan will describe how the programs will be administered in 2010. HUD must approve this Plan for the Commonwealth and organizations within the Commonwealth to receive funding under most HUD housing and community development programs. Applicants for funding from Federal housing programs must obtain certification describing that their proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Plan will have a major impact on the type, location and number of affordable housing units generated and preserved in the Commonwealth, as well as the infrastructure and public facilities, services and other economic and community development initiatives that Pennsylvania communities will undertake.

#### *Content*

The Consolidated Plan for FFY 2009-2010 will be updated through this document. The most significant change is the inclusion of the Neighborhood Stabilization Program, which is a component of CDBG, and is designed to support neighborhood sustainability and address the housing foreclosure crisis. Funding was provided during FFY 2009 and the Department anticipates using much of those funds during 2010. The Plan also discusses anticipated use of funds under the CDBG-R Program as well as the HPRP. In addition, the Commonwealth will conduct an analysis of impediments to Fair Housing and will update its Commonwealth Fair Housing Plan.

#### *Public Review*

The Consolidated Plan is available on the Internet or in hardcopy for public comment December 12, 2009, through January 12, 2010, at the locations listed:

1. County Offices, the Department's Regional Offices, and Pennsylvania's 27 District Libraries: Call (717) 214-5340 for the locations.

2. Audio Cassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind: Harrisburg Area Radio Reading Services, 1800 North Second Street, Harrisburg, PA 17102, (717) 238-2531.

3. The Draft Action Plan 2010 can be viewed on the Internet at <http://www.newpa.com/strengthen-your-community/technical-assistance/index.aspx>. The final plan will be made available again at these same locations following HUD approval.

GEORGE E. CORNELIUS  
*Secretary*

[Pa.B. Doc. No. 09-2282. Filed for public inspection December 11, 2009, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Revisions to Schedule of Prices for State Parks

#### A. Summary and Background

Under section 314 of the Conservation and Natural Resources Act (71 P. S. § 1340.314) and 17 Pa. Code § 11.224 (relating to prices), the Department of Conservation and Natural Resources (Department) will revise its price schedule for State Park activities, uses and privileges effective January 1, 2010. The new schedule, which is in Section D, includes a new pricing structure for State Parks Nature Inns along with some changes to utility prices for campgrounds and organized group cabin camps, instituting ranges for certain facilities to allow for market based pricing and adding some new miscellaneous fees.

The Nature Inn at Bald Eagle State Park is currently scheduled to open in late spring of 2010. The primary reason for the proposed fee package is to institute a fee structure for the Nature Inn to accept reservations by the end of January. A range is needed to accommodate the different room types, seasons and high demand weekends.

The remaining changes are needed to compensate the Bureau of State Parks for increased utility costs at our electric campsites and fine tune our existing rate structure. For example, the changes to the boat launch and firewood permits are needed to conform to the current fees of the Fish and Boat Commission and the Bureau of Forestry. The camping fee changes include both increasing and decreasing fees at specific campgrounds that reflect market conditions and are comparable with surrounding states current pricing practices.

For comparison purposes, the current price schedule along with the new price schedule can be found at the State Parks web site at <http://www.dcnr.state.pa.us/stateparks/findinfo/2010prices.pdf>. It can also be obtained by calling State Parks Reservations and Information at (888) PA-PARKS. When the new price schedule becomes effective, it will be posted on the DCNR—State Parks web site, <http://www.dcnr.state.pa.us/stateparks/findinfo/prices.aspx>.

#### B. Contact Person

Any questions may be directed to, David Sariano, Assistant Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640 or e-mail at [dsariano@state.pa.us](mailto:dsariano@state.pa.us). Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users).

#### C. Effective Date

The effective date of the new price schedule is January 1, 2010.

#### D. Fee Schedule

Facility Type Unit	Unit	2009 Resident and Nonresident	2010 Resident and Nonresident	2011 Resident and Nonresident	2012 Resident and Nonresident
<b>MISCELLANEOUS</b>					
Accident Report Copying Services	Per Request	No Current Fee	10.00—35.00	11.00—35.00	12.00—35.00
Firewood Permit	Per Cord	10.00	15.00—25.00	15.00—25.00	15.00—25.00
Houseboats—Presque Isle	Per Year	500.00	600.00	750.00	900.00
Late Fee for Payments	Per Instance	No Current Fee	20.00—100.00	20.00—100.00	20.00—100.00
<b>NATURE INNS</b>					
Rooms	Per Night	No Current Fee	70.00—220.00	70.00—240.00	70.00—260.00
Suites	Per Night	No Current Fee	80.00—360.00	80.00—380.00	80.00—395.00
Facility Type Unit	Unit	2009 Resident	2010 Resident	2009 Nonresident	2010 Nonresident
<b>OTHER BOATING</b>					
Boat Docks—Private	Per Season	50.00	50.00—100.00	60.00	60.00—120.00
Boat Winter Storage	Per Season	130.00	130.00—250.00	135.00	135.00—250.00
Boating Dry Storage	Per Season	125.00	125.00—250.00	140.00	140.00—250.00
Boat Launching Permit	1 Year	10.00	10.00—12.00	15.00	15.00—18.00
Boat Launching Permit	2 Year	18.00	18.00—22.00	28.00	28.00—34.00
Boat Launching Permit	Seven Day	5.00	5.00—7.00	5.00	5.00—7.00

<i>Facility Type Unit</i>	<i>Unit</i>	<i>2009 Resident</i>	<i>2010 Resident</i>	<i>2009 Nonresident</i>	<i>2010 Nonresident</i>
CAMPING					
Camping—base price	Per Night	15.00	14.00—16.00	17.00	16.00—18.00
CAMPING— ADDITIONAL CHARGES					
Adirondack Shelter— Poe Paddy	Per Night	N/A	2.00—3.00	N/A	2.00—3.00
Electric	Per Night	5.00	5.00—8.00	5.50	5.00—8.00
PAVILIONS— PICNIC GROVES					
Picnic Groves	Per Day	30.00—65.00	30.00—125.00	45.00—150.00	45.00—165.00
ORGANIZED GROUP CABIN CAMPS					
Org. Group Cabin Camps Capacity < = 30 persons	Per Night with Utilities	88.00	88.00—104.00	127.00	127.00—150.00
Org. Group Cabin Camps Capacity 31— 50 persons	Per Night Minimum	88.00	88.00—104.00	127.00	127.00—150.00
Org. Group Cabin Camps Capacity 51 to 125 person	Per Night Minimum	108.00	108.00—127.00	153.00	153.00—180.00
Org. Group Cabin Camps Cap. 126 person and greater	Per Night Minimum	128.00	128.00—151.00	178.00	178.00—210.00
Hickory Run / French Creek Utilities Org. Group Camp	Per Night add	51.00	51.00—100.00	51.00	51.00—100.00

The specialized pricing listed as follows for the Adirondack Shelters at Poe Paddy State Park is eliminated.

CAMPING—OTHER					
Adirondack Shelter—Poe Paddy—Sunday—Thursday	Per Night	13.00	N/A	14.00	N/A
Adirondack Shelter—Poe Paddy—Friday—Saturday	Per Night	15.50	N/A	16.50	N/A
Adirondack Shelter—Poe Paddy—Week	Per Week	76.00	N/A	88.00	N/A

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2283. Filed for public inspection December 11, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060445 (Sewage)	Historical and Museum Commission Eckley Miners' Village 2 Eckley Main Street Weatherly, PA 18255	Foster Township Luzerne County	Black Creek #5D	Y

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

*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>
PA0043494 (IW)	Loysville Village Municipal Authority P. O. Box 133 Loysville, PA 17047	Perry County Tyrone Township	7-A Muddy Run	Y
PA0081213 (Sew)	Clay Township Supervisors Hopeland Village STP 870 Durlach Road Stevens, PA 17578	Lancaster County Clay Township	7-J UNT Middle Creek	Y
PA0081647 (Sew)	White Run Regional Municipal Authority 2001 Baltimore Pike Gettysburg, PA 17325-7015	Adams County Mount Joy Borough	13-D White Run	Y

## 7018

## NOTICES

<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>
PA0088331 (Sew)	Todd A. Librandi (Lot #1) 93 Airport Drive Middletown, PA 17057	Dauphin County Londonderry Township	7-G UNT Conewago Creek	Y
PA0088293 (Sew)	Todd A. Librandi (Apartments) 93 Airport Drive Middletown, PA 17057	Dauphin County Londonderry Township	7-G UNT Conewago Creek	Y
PA0081655 (IW)	Philadelphia Mixing Solutions 1221 East Main Street Palmyra, PA 17078	Lebanon County Palmyra Borough	7-D Killinger Creek	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>
PAS214801	Little Lisa, Inc., d/b/a Wayne Concrete Products 262 Route 44 Shinglehouse, PA 16748	Eulalia Township Potter County	Mill Creek 16C	Y
PA0208922 (Sewage)	Punkin Hollow Wastewater Treatment Plant 131 Punkin Hollow Drive Houtzdale, PA 16651	Woodward Township Clearfield County	Whiteside Run 8D	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>
PA0100510	Greenville Metals, Inc. 99 Crestview Drive Extension Transfer, PA 15154-1709	Pymatuning Township Mercer County	Unnamed tributaries to Shenango River 20-A	Y

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

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

**PA0057029 A1**, Industrial Waste, **Hewlett Packard Company**, 10375 Park Meadows Drive, Suite 150, Littleton, CO 80124. This existing facility is located in New Garden Township, **Chester County**.

Description of Proposed Activity: This application requests amendment of the NPDES permit for the existing discharge from a groundwater remediation system for Hewlett Packard Company Avondale GWCU. A Summary Report submitted with the amendment request, as required in Part C, No. 11 of the renewal permit issued in October 2007, presented the results of 2 years of quarterly monitoring for CBOD<sub>5</sub>, NH<sub>3</sub>N, Total Phosphorus, and Total Nitrogen, to demonstrate that the discharge is consistent with the Christina River Basin TMDL allocations, and is supportive of the removal of the monitoring requirements for these parameters. OR 11 has been satisfied and can also be removed from the permit.

The receiving stream, an unnamed tributary to Egypt Run, is in the State Water Plan watershed 3I and is classified for cold water fishes, aquatic life, water supply, and recreation. Egypt Run is a tributary to East Branch White Clay Creek, which flows into White Clay Creek. There are no public water supply intakes identified downstream of the discharge.

Existing effluent limits for Outfall 001 which will remain in the permit, based on an average flow of 0.144 mgd, are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chloroform	0.006		0.012	0.015
1,1-Dichloroethylene	0.001		0.002	0.0025
1,2-Cis-Dichloroethylene	Monitor/Report	Monitor/Report		Monitor/Report
1,2-Trans-Dichloroethylene	0.7	1.4		1.75
Tetrachloroethylene	0.001		0.002	0.0025
Trichloroethylene	0.005		0.01	0.012
pH	Within limits of 6.0-9.0 Standard Units at all times			

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

1. Notification of Designation of Operator.
2. Remedial Measures if Unsatisfactory Effluent.
3. Discharge to Dry/Intermittent Stream.
4. BAT/ELG Reopener.
5. Test Methods.
6. Change of Ownership.
7. Sludge Disposal Requirement.
8. Groundwater Monitoring Requirements.
9. Summary Reports Evaluating Operation.
10. No Stripper Tower Cleaning Water Discharge.

**PA0051951**, Sewage, SIC 8811, **David W. Chapman**, 51 Grays Lane, Elverson, PA 19520-9715. Facility Name: Chapman SRSTP. This proposed facility is located in Warwick Township, **Chester County**.

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

The receiving stream, unnamed tributary to French Creek, is in the State Water Plan watershed 3-D and is classified for Exceptional Value Waters.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 GPD.

Parameter	Mass Loading (lbs/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
CBOD <sub>5</sub> (05-01 to 10-31)				10		20
(11-01 to 04-30)				20		40
Total Suspended Solids				10		20
Fecal Coliform				# 200/100 ml		
Total Residual Chlorine				Non-Detect		Non-Detect
pH (STD)			6.0			9.0

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

1. Dechlorination Required.
2. EPA Approved Test Methods for TRC.

The EPA Waiver is in effect.

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

**Application No. PA 0021636**, Sewage, **Fleetwood Borough**, 110 West Arch Street, Fleetwood, Pennsylvania 19522. This facility is located in Richmond 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, Willow Creek, is in Watershed 3-B, 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 36 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 0.7 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub> (5-1 to 10-31)	14	22	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	1.4		2.8
(11-1 to 4-30)	4.2		8.4
Total Residual Chlorine	0.17		0.55
Total Copper	Report		
Total Phosphorus	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.7 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> (5-1 to 10-31) (11-1 to 4-30)	14 25	22 40	30 50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	1.4 4.2		2.8 8.4
Total Residual Chlorine	0.008		0.026
Total Copper	0.024		
Total Phosphorus	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 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.

**Application No. PA 0020834**, Sewage, **Greencastle Franklin County Authority**, 60 North Washington Street, Greencastle, Pennsylvania 17225-1230. This facility is located in Antrim Township, **Franklin County**.

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

The receiving stream, UNT to Conococheague Creek, is in Watershed 13-C, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Hagerstown is located on the Potomac 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 0.95 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) (11-1 to 4-30)	3.3 9.9		6.6 19.8
Total Residual Chlorine	0.19		0.64
Total Phosphorus	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 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>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**	Report**
Kjeldahl-N	Report	Report	XXX	XXX
Nitrate-Nitrite as N	Report	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	17,351*	
Net Total Phosphorus	XXX	Report	2,314*	

\* 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.



\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by September 30, 2013.

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 0044113**, Sewage, **South Middleton Township Municipal Authority**, 345 Criswell Drive, Boiling Springs, Pennsylvania 17007-0008. This facility is located in South Middleton Township, **Cumberland County**.

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

The receiving stream, Yellow Breeches Creek, is in Watershed 7-E, and classified for high quality cold water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Yellow Breeches Creek, approximately 19.5 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 0.75 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> (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	1.0		2.0
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		

The proposed final effluent limits for Outfall 001 for a design flow of 1.50 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> (5-1 to 10-31)	15	22	30
(11-1 to 4-30)	17.5	26	35
Total Suspended Solids	20	30	40
NH <sub>3</sub> -N (5-1 to 10-31)	8.0		16
(11-1 to 4-30)	9.5		19
Total Residual Chlorine	0.5		1.6
Total Phosphorus	1.5		3.0
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	29,322*
Net Total Phosphorus	XXX	Report	3,653*

\* 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, 2014. 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, 2015. 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, 2014.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2010.

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 0044471**, Industrial Waste, **SIC Code 2032 and 2033**, Hanover Foods Corporation, P. O. Box 334, Hanover, PA 17331-0334. This facility is located in Penn Township, **York County**.

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

The receiving stream, Oil Creek, is in Watershed 7-H, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake is Wrightsville Water Supply Company located on the Susquehanna River, approximately 40.09 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.643 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>					
(5/1 to 10/31)	53.0	105.0	10	20	xxx
(11/1 to 4/30)	160.0	320.0	30	60	xxx
Fecal Coliform					
(5/1 to 9/30)	xxx	xxx	200	xxx	xxx
(10/1 to 4/30)	xxx	xxx	2000	xxx	xxx
NH <sub>3</sub> -N					
(5/1 to 10/31)	8.0	16.0	1.5	3.0	xxx
(11/1 to 4/30)	24.0	48.0	4.5	9.0	xxx
TSS	53.0	105.0	10	20	xxx
TRC	xxx	xxx	0.1	M&R	xxx
Total Nitrogen	M&R	xxx	M&R	xxx	xxx
Total Kjeldahl Nitrogen	M&R	xxx	M&R	xxx	xxx
Total Phosphorus	2.5	5.0	0.5	1.0	xxx
Temperature	xxx	xxx	xxx	M&R	xxx

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 in effect.

**Application No. PA 0085511**, Sewage, **West Hanover Township Water and Sewer Authority**, 7901 Jonestown Road, Harrisburg, Pennsylvania 17112. This facility is located in West Hanover Township, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 0.78 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)	2.0		4.0
(11-1 to 4-30)	6.0		12
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>Monthly</i>	<i>Annual</i>
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	14,246*
Net Total Phosphorus	XXX	Report	Report	1,900*

\* 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 submitted to the Department.

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 0044911**, Industrial Waste, SIC Codes 2023 and 2021, 405 Park Drive, Carlisle, Pennsylvania 17015-9270. This facility is located in South Middleton Township, **Cumberland County**.

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

The receiving stream, Mountain Creek, is in Watershed 7-E, and classified for trout stocking fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Yellow Breeches Creek, approximately 24.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 based on a design flow of 0.81 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	6.0 min	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 min	XXX	XXX
BOD <sub>5</sub>	90	180	Report	Report	33
Total Suspended Solids	115	226	Report	Report	42
Total Phosphorus	13.5	27	2.0	4.0	5.0
NH <sub>3</sub> -N					
(5/1 to 10/31)	10	20	1.5	3.0	3.75
(8/1 to 6/30)	30	60	4.5	9.0	11
Temperature					
(7/1 to 7/31)	XXX	XXX	Report	82° F	XXX
(8/1 to 6/30)	XXX	XXX	Report	110° F	XXX

The proposed Interim effluent limits for Internal Monitoring Point 101 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	9.0
Influent (BOD <sub>5</sub> and TSS)	Report	Report	Report	Report	XXX
BOD <sub>5</sub>	Report	Report	Report	Report	XXX
Total Suspended Solids	Report	Report	Report	Report	XXX
Total Phosphorus	Report	Report	Report	Report	XXX
NH <sub>3</sub> -N	Report	Report	Report	Report	XXX
Temperature ° F	XXX	XXX	Report	Report	XXX

The proposed Interim influent limits for Internal Monitoring Point 102 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	Report	XXX	Report
BOD <sub>5</sub>	Report	Report	Report	Report	XXX
Total Suspended Solids	Report	Report	Report	Report	XXX
NH <sub>3</sub> -N	Report	Report	Report	Report	XXX

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Phosphorus	Report	Report	Report	Report	XXX
Temperature	XXX	XXX	Report	Report	XXX

The proposed Final effluent limits for Outfall 001 based on a design flow of 0.81 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	6.0 min	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 min	XXX	XXX
CBOD <sub>5</sub>	Report	Report	Report	Report	XXX
Total Suspended Solids	Report	Report	Report	Report	XXX
Total Phosphorus	Report	Report	Report	Report	XXX
NH <sub>3</sub> -N	Report	Report	Report	Report	XXX
Temperature					
(7/1 to 7/31)	XXX	XXX	Report	93° F	XXX
(8/1 to 6/30)	XXX	XXX	Report	110° F	XXX

The proposed Final effluent limits for Internal Monitoring Point 101 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	Report min	XXX	Report
Dissolved Oxygen	XXX	XXX	Report min	XXX	XXX
Influent (BOD <sub>5</sub> and TSS)	Report	Report	Report	Report	XXX
CBOD <sub>5</sub>	23	47	10	20	25
Total Suspended Solids	23	47	10	20	25
Total Phosphorus	2.3	4.7	1.0	2.0	2.5
NH <sub>3</sub> -N					
(5/1 to 10/31)	3.5	7.1	1.5	3.0	3.7
(11/1 to 4/30)	10	21	4.5	9.0	11
Temperature	XXX	XXX	Report	Report	XXX

The proposed Final effluent limits for Internal Monitoring Point 102 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	Report min	XXX	Report
Dissolved Oxygen	XXX	XXX	Report min	XXX	XXX
CBOD <sub>5</sub>	8.7	17	Report	Report	XXX
Total Suspended Solids	8.7	17	Report	Report	XXX
Total Phosphorus	4.3	8.7	Report	Report	XXX
NH <sub>3</sub> -N	6.5	13	Report	Report	XXX
Temperature	XXX	XXX	Report	Report	XXX

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 in effect.

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

**PA0233871, SIC 4952**, Scott Davies, 112 Whites Church Road, Bloomsburg, PA 17815. This proposed facility is located in Mount Pleasant Township, **Columbia County**.

Description of Proposed Activity: The existing SFTF is malfunctioning and in need of replacement. A new SFTF with a proposed flow of 500 GPD will be constructed so the existing facility can be decommissioned.

The receiving stream, Unnamed Tributary to Fishing Creek, is in the State Water Plan watershed 5C and is classified for: Cold Water Fishes (CWF). The nearest downstream public water supply intake for United Water Pennsylvania Bloomsburg is located on Fishing Creek and is 4.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
Flow (GPD)			Monitor Only		Monitor Only
BOD <sub>5</sub>			10		20
Total Suspended Solids			10		20
Total Residual Chlorine			Monitor and Report		
pH (Standard Units)			Not < 6.0 nor > than 9.0		
Fecal Coliform			200/100 mL		

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

1. COMPLIANCE SCHEDULES

The permittee shall achieve compliance with the effluent limitations and monitoring requirements established in Part A.1.b. of this permit and the Annual Maintenance Report form, or terminate this discharge, in accordance with the following schedule:

Effluent Limits/Monitoring Requirements Established On:	Date Effective
Page 2	Immediately

The permittee shall achieve compliance with all other terms and conditions of this permit, and the associated Annual Maintenance Report form, upon the effective date of the permit (unless otherwise specified).

2. ANNUAL MAINTENANCE REPORT FORMS

Properly completed and signed Annual Maintenance Reports (AMRs), in lieu of the Discharge Monitoring Report (DMR) and Supplemental DMR as described in Part A, III, B of this permit, shall be received by the Department of Environmental Protection (Department) on June 30 of each year at the following address: Department of Environmental Protection, Water Management Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701.

3. PRIOR APPROVALS

The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

4. MALFUNCTIONING TREATMENT SYSTEM OR CHANGE IN CONDITIONS

If, in the opinion of the Department, the small flow treatment facility (SFTF) is not operated in compliance with the conditions of this permit, or if the character of the waste changes, there is an increased load into the SFTF, the use or condition of the receiving stream changes, the effluent ceases to be satisfactory, or the discharge otherwise creates a nuisance, then upon notice from the Department, the right to discharge pursuant to this permit will cease. The Department may allow persons with such discharges a specified time period to implement remedial measures which will result in a satisfactory effluent discharge into the receiving stream.

5. AVAILABILITY OF PUBLIC SEWERAGE

Should municipal sewerage facilities become available, the permittee shall provide for the conveyance of its sewage to the municipal sewerage facilities, abandon the use of the SFTF, and notify the appropriate the Department's regional office accordingly. This permit shall then, upon notice from the Department, terminate and become null and void, and shall be relinquished to the Department.

6. TREATMENT TANK CLEANING REQUIREMENT

The permittee shall measure the depth of sludge and scum in septic (treatment) tanks at least once a year, and must clean the septic tank whenever the top of the sludge layer in the tank or any compartment of the tank is found to be less than 12 inches below the bottom of the outlet baffle, or if the bottom of the scum layer is within 3 inches of the outlet baffle. Annual pumping may be substituted for measurement. Annual pumping of aerobic treatment units and dosing tanks is required. All septic tanks must be pumped and cleaned at least once every 3 years and the permittee shall submit copies of pumping records to the Department, when requested. Certification of such cleaning must be presented to the Department if the person operating the SFTF wishes to continue permit coverage. The Department will not renew any permit if such proof is not presented in the AMR or at the request of the Department.

7. PROHIBITION OF STORMWATER DISCHARGES

No storm water from pavements, area ways, roofs, foundation drains or other sources shall be admitted to the treatment system associated with the herein approved discharge.

8. EFFLUENT CHLORINE MINIMIZATION

A. The permittee will ensure that applied chlorine dosages used for disinfection are optimized to the degree necessary to minimize the level of total residual chlorine (TRC) in the effluent.

B. If the Department finds levels of TRC in the permittee's effluent are causing adverse water quality impacts in the receiving water, the permittee will be required to institute additional steps to reduce or eliminate such impact.

C. The permittee shall maintain the disinfection unit and ensure that it functions properly at all times.

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

**PA0218138**, Sewage, **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from Armstrong County Industrial Development Authority STP in North Buffalo Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Nicholson Run, 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 Buffalo Township Municipal Authority at Freeport.

*Outfall 001*: existing discharge, design flow of 0.4 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	2.0	3.0		4.0
Nov 1 to Apr 30	6.0	9.0		12.0
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			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	2.0	3.0		4.0
Nov 1 to Apr 30	4.0	6.0		8.0
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			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0263648**, Sewage, NAICS Code 814000, **Don Thompson**, 605 Old Farm Lane, State College, PA 16803-1224. Facility Name: Don Thompson SFTF. This proposed facility is located in Conewango Township, **Warren County**.

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

The receiving stream(s), an Unnamed Tributary to Morse Run, is located in State Water Plan watershed 16-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

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


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

**WQM Permit No. 1509411**, Sewerage, **West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425-3301. This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant and drip dispersal fields.

**WQM Permit No. 2309410**, Sewerage, **BPG Land Partners VIII, LLC and FC Pennsylvania Stadium, LLC**, 322 A Street, Suite 300, Wilmington, DE 19428. This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Clean up and redevelopment of existing brownfield sites along the Delaware River.

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

**WQM Permit No. 1909403**, Sewerage 4952, **Scott Davies**, 112 Whites Church Road, Bloomsburg, PA 17815. This proposed facility is located in Mount Pleasant Township, **Columbia County**.

Description of Proposed Action/Activity: The existing SFTF is malfunctioning and in need of replacement. A new SFTF with a proposed flow of 500 GPD will be constructed so the existing facility can be decommissioned.

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

**WQM Permit No. 6209401**, Sewerage, **Don Thompson**, 605 Old Farm Lane, State College, PA 16803-1224. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509039	Jack E. Kazangian 2235 Sproul Road Broomall, PA 19008	Chester	Willistown Township	West Branch Crum Creek (EV)
PAI01 0909009	Edward McArdle 3291 Church School Road Doylestown, PA 18901	Bucks	Springfield Township	Cooks Creek (EV)

*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>
PAI023909019	Country Meadows Associates Attn: George Leader 830 Cherry Dr. Hershey, PA 17033	Lehigh	Lower Macungie and Upper Macungie Twps.	Little Cedar Creek HQ-CWF, MF

*Wayne County Conservation District: Agricultural Service Center, 648 Park St., Honesdale, PA 18431, 570-253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026409008	USACE Philadelphia Dist. 100 Penn Square East Wanamaker Bldg. Philadelphia, PA 19107	Wayne	Prompton Boro.	West Branch Lackawaxen River HQ-TSF, MF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041409013	Ed Poprick State College Area School District 131 West Nittany Avenue State College, PA 16801	Centre	College and Harris Townships	Spring Creek HQ-CWF

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

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

**STATE CONSERVATION COMMISSION**

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

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

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

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Jay Hess Bacon Acres 151 Pequea Creek Road Conestoga, PA 17516	Lancaster	180	495.5	Hogs, beef & broilers	None	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and are



available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

**SAFE DRINKING WATER**

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

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

**Application No. 3509503**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 50 E. Woodhaven Dr.  
 White Haven, PA 18661  
 Township or Borough South Abington Township  
 Responsible Official Patrick R. Burke  
 Aqua Pennsylvania, Inc.  
 50 E. Woodhaven Dr.  
 White Haven, PA 18661  
 Type of Facility PWS  
 Consulting Engineer William LaDieu, P. E.  
 CET Engineering Services  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112  
 Application Received Date 11/09/2009  
 Description of Action Applicant requests approval to construct a replacement well station at the existing Chinchilla I well site and modify the existing well station.

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

**Application No. 1409503—Construction**, Public Water Supply.  
 Applicant **Miles Township Water Authority—East**  
 Township or Borough Miles Township  
 County **Centre**  
 Responsible Official Phil Meyer, Chairperson  
 Miles Township Water Authority—East  
 Box 157  
 Rebersburg, PA 16872  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer David M. Swisher, P. E.  
 Herbert, Rowland and Grubic, Inc.  
 474 Windmere Drive  
 Suite 100  
 State College, PA 16801  
 Application Received November 23, 2009

Description of Action Addition of Spring #1, construction of a raw waterline and associated appurtenances.  
**Application No. 5909501—Construction**, Public Water Supply.  
 Applicant **Mansfield University**  
 Township or Borough Mansfield Borough  
 County **Tioga**  
 Responsible Official Richard Nelson  
 Utility Plant Manager  
 115 Sherwood Street  
 Mansfield, PA 16933  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer Mark V. Glenn, P. E.  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Application Received November 30, 2009  
 Description of Action Construction of a new physical/chemical water treatment facility, utilizing microfiltration membrane technology.

**MINOR AMENDMENT**

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

**Application No. 3909510MA**, Minor Amendment.  
 Applicant **Green Acres Limited Partnership**  
 8785 Turkey Ridge Rd.  
 Breinigsville, PA 18031  
 Township or Borough Upper Macungie Township  
 Responsible Official Tim Buechel  
 Green Acres Limited Partnership  
 8785 Turkey Ridge Rd.  
 Breinigsville, PA 18301  
 Type of Facility PWS  
 Consulting Engineer Douglas Kern, P. E.  
 ACES Inc  
 P. O. Box 260  
 New Ringgold, PA 17960  
 Application Received Date 11/17/09  
 Description of Action Applicant requests approval of two existing pressure maintenance pumps, which were installed to replace the originally specified pump package. The pumps were installed to provide more reliable system pressure maintenance.

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

**Application No. 3909506MA**, Minor Amendment.  
 Applicant **Lehigh County Authority**  
**1053 Spruce St.**  
**P. O. Box 3348**  
**Allentown, PA 18106**

Township or Borough	Upper Milford Township
Responsible Official	Aurel M. Arndt, General Manager Lehigh County Authority 1053 Spruce St. P. O. Box 3348 Allentown, PA 18106
Type of Facility	PWS
Consulting Engineer	Charles E. Volk, P. E. ARRO Consulting, Inc. 1150 Glenlivet Dr. Suite A19 Allentown, PA 18106
Application Received Date	5/26/09
Description of Action	Applicant proposes treatment system upgrades including the addition of a 20,000 gallon storage tank and a change from soda ash to caustic soda for pH adjustment.

### 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

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 41-1001, Water Allocations. Lycoming County Water and Sewer Authority**, 216 Old Cement Road, P. O. Box 186, Montoursville, PA 17754, Montoursville Borough, **Lycoming County**. LCWSA is requesting an allocation on average of 5,000 gallons per day from Muncy Borough and Muncy Borough Municipal Authority. Expected demand on current system is expected to increase due to Lycoming Mall's expected connection to the system. Back-up is needed to provide redundancy within the water system and ensure reliable and continuous water service to the Authority's customers. While the terms of the draft interconnection agreement limits the allocation capacity to 20,000 gpd, there are provisions to increase the interconnection capacity in the event that the water demands warrant such an increase.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

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

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

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

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

**Cragle Property**, 27 Winola Road, Tunkhannock Borough, **Wyoming County**. **James Sposito, James P. Sposito Associates**, 11 Archbald Street, Carbondale, PA 18407 has submitted a Notice of Intent to Remediate (on behalf of his client, Ginger Cragle, 27 Winola Road, Tunkhannock, PA 18657), concerning the remediation of soil found to have been impacted by No. 2 heating oil as a result of an overflow of fuel being dispensed into a 275-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Aden Property**, 1828 Valley Forge Road, South Whitehall Township, **Lehigh County**. **Gregg J. Walters, MEA, Inc.**, 1365 Ackermanville Road, Bangor, PA 18013

has submitted a Notice of Intent to Remediate (on behalf of his clients, LaRoy and Ruth Aden, 1828 Valley Forge Road, Allentown, PA 18104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking pressure gauge from a furnace/275-gallon aboveground storage tank system. The applicants propose to remediate the site to meet the Statewide Health Standard. The site will remain a residential dwelling in the future. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on October 16, 2009.

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

**Former BP Site No. 07038, City of Erie, Erie County. Shaw Environmental, Inc.,** 2790 Mossidge Boulevard, Monroeville, PA 15146 on behalf of BP Products North America, Inc., 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204 has submitted a Notice of Intent to Remediate. The site is a former BP retail gasoline station. Prior to 1989 two 8,000-gallon underground storage tanks, one 4,000-gallon underground storage tank, and one waste oil UST of unspecified size, dispenser islands, and associated piping were removed from the site. A subsurface assessment of the property was conducted in 1989. In October 2008 soil borings were installed and converted to monitoring wells. The September 2009 groundwater analytical data indicates all constituents of potential concern are below the Statewide Health Standard Medium-Specific Concentrations. The current and intended future use of the property is nonresidential. The Notice of Intent to Remediate was published in the *The Erie-Times News* on October 25, 2009, and October 27, 2009. The site will be remediated to the Statewide Health Standard.

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

**Application 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 101549. Bucks County Resource Recovery, Inc.,** 701 Penn Avenue, Marcus Hook, PA 19061-4604. This permit application is for 10-year renewal of the existing permit for continued operation of the Bucks County Resource Recovery, an infectious waste processing facility, located in Marcus Hook Borough, **Delaware County**. The application was received by the Southeast Regional Office on November 16, 2009.

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

**Permit Application No. 101649. Phoenix Resources, Inc.,** 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. An application for the conversion of an existing construction/demolition waste facility to a municipal waste disposal facility was submitted to the Northcentral Regional Office on November 13, 2009. A Local Municipal Involvement Process meeting will be scheduled.

Comments concerning the application should be directed to Lisa Houser, P. E., Facilities Manager, Northcentral Regional Office, 208 West Third Street,

Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, Telephone 570-327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, 800-654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

**Permit ID #300657. Allegheny Ludlum Corporation,** 100 River Road, Brackenridge, PA 15014-1597. Route 356 Landfill, State Route 356, Allegheny Township, PA 15656. An application for the permit renewal of a residual waste landfill in Allegheny Township, **Westmoreland County** was received in the Regional Office on November 20, 2009.

## **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.*

**24-083R: Carbone of America Industries Corp.** (215 Stackpole Street, St. Marys, PA 15857) for modification of the plan approval 24-083M condition regarding testing of the electric furnace in St. Marys City, **Elk 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.**

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

**23-0012A: Sunoco Chemicals, Inc.** (1735 Market Street, Philadelphia, PA 19103) for modification of three (3) silos of their existing Plant II in Marcus Hook Borough, **Delaware County**. This facility is a Title V facility. This modification will result in VOC emission increase of 4.64 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

**59-00017A: Hitachi Metals Automotive Components USA, LLC** (P. O. Box 68, Blossburg, PA 16912-0068) for construction of a phenolic urethane cold box core-making machine in Lawrence Township, **Tioga County**.

The Department of Environmental Protection's (Department) review of the information submitted by Hitachi Metals Automotive Components USA, LLC indicates that the air contamination source to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the particulate matter emission limitation of 25 Pa. Code § 123.13 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The total combined volatile organic compound (VOC) and hazardous air pollutants (HAPs) emissions from all three core-making machine will not exceed 6.30 tons and 1.00 ton in any 12 consecutive month period, respectively.

The total combined VOC emissions from all sources at the facility will not exceed 42.25 tons in any 12 consecutive month period.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission and material usage restrictions to limit the emission of volatile organic compounds and hazardous air pollutants.

Work practice requirements to install and operate the source and control device with good air pollution control practices.

Recordkeeping and Reporting conditions to verify compliance with the emission limitations and all applicable requirements.

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

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

**PA 30-00110A: Equitrans, LP** (625 Liberty Avenue, Pittsburgh, PA 15222) to allow installation of Cooper-Bessemer CleanBurn Systems on two existing Cooper-Bessemer engines (each rated at 880 hp), at the Pratt Compressor Station in Franklin Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45 the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the installation of Cooper-Bessemer CleanBurn Systems on two existing Cooper-Bessemer engines (each rated at 880 hp), at the Pratt Compressor Station located in Franklin Township, Greene County.

Plan Approval will include emission restrictions on the sources at this plant, making this facility a non-major site. Emissions from the facility shall not equal or exceed 100 tons NO<sub>x</sub>, 100 tons CO, 50 tons VOCs, 25 tons all HAPs combined, or 10 tons of a single HAP, based on a 12-month rolling total basis. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. 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 Barbara Hatch, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. 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.*

**33-133A: HRI, Inc.—Brookville Plant 109** (785 Route 830, Brookville, PA 15825) for replacement of the existing baghouse and knock box with a new 65,000 CFM Baghouse and knock out box control as described in the applicant's application of August 18, 2009 in Pine Creek Township, **Jefferson 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 Pine Creek Township, Jefferson County. This plan approval will authorize the applicant to replace the existing baghouse and knock box with a new 65,000 CFM Baghouse and knock out box control as described in the applicant's application of August 18, 2009. The Plan Approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The facility is a batch hot mix asphalt plant with a production limit of 300 tons per hour and 495,000 tons per year. The facility consists of the asphalt plant, rotary dryer and two asphalt oil heaters. The facility utilizes virgin No. 2, virgin No. 4 and virgin No. 5 fuel oil as well as WDLF (waste distilled liquid fuel) for the rotary drier. HRI does not process RAP but the facility is currently capable of accommodating RAP. RAP is introduced to the plant via conveyor and weight hopper into the mix at the batch tower therefore it does not come into contact with the open flame of the burner. The new equipment listed above will replace the existing baghouse and associated equipment and will not increase the production capacity or the emissions at the plant. HRI will be required to perform exhaust testing of the control device within 180 days of issuance of start up to determine compliance with, NO<sub>x</sub>, SO<sub>x</sub> and PM emission limits set forth in the plan approval using WDLF. The facility will demonstrate compliance with the restrictions by performing weekly visible observation, recording daily, monthly and annual throughputs as well as preventative maintenance.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. 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 below. 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. 33-133A.

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.

## OPERATING PERMITS

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

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

**V09-019: Cardone Industries** (5501 Whitaker Avenue, Philadelphia, PA 19124) for operation of an automotive parts re-manufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emissions' sources include thirteen (13) Spraybooths, eighty-three (83) combustion units, twelve (12) burn out ovens, nineteen (19) cold cleaning degreasers, fifteen (15) shot blasting units.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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

**40-00036: Indalex, Inc.** (300 Elmwood Avenue, Crestwood Industrial Park, Mountain Top, PA 18707) a State Only Operating Permit for aluminum extruded product manufacturing, in Wright Township, **Luzerne County**. The proposed State Only Operating Permit

contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

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

**06-03118: UGI Utilities, Inc.** (One UGI Center A-1, Wilkes-Barre, PA 18711) for operation of a natural gas fired electricity generator at their facility in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit issued in 2005.

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

**26-00407: Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415) an operating permit for their Brier Hill Site in Redstone Township, **Fayette County**. Equipment at this facility includes front-end loaders, trucks, conveyers, screeners, and water cyclones. Annual emissions from the facility are estimated to be 15.2 tons particulate matter, 4.3 tons PM<sub>10</sub>, and 0.5 tons PM<sub>2.5</sub>. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

**16-00002: RFI Energy, Inc.—Shannon Preparation Plant** (P. O. Box 162, 1513 Shannon Tipple Road, Sligo, PA 16225-0162) for issuance of a Natural Minor Operating Permit to operate a coal preparation plant in Toby Township, **Clarion County**. The facility's primary emission sources include raw coal unloading, three (3) crushers, a conveying system, on site truck traffic, exposed coal piles, truck loading and fuel storage.

**24-00119: Advanced Heat Treating, Inc.** (1057 Trout Run Road, Saint Marys, PA 15857-3124), for an initial Natural Minor Permit to operate a metal heat treating facility in the City of Saint Marys, **Elk County**. The significant sources included, tempering furnaces (DF2, DF3 and DF4), heat treating furnaces (DF-8, DF-9 and DF-10) and miscellaneous natural gas usage. The emissions of pollutants from the facility are less than the Title V emission threshold and the facility had one previous plan approval. Therefore, the facility is a natural minor.

**33-00151: Oak Heritage Furniture** (124 Industrial Park Drive, Brockway, PA 15824-9001) for re-issuance of the Natural Minor Operating Permit for this wood furniture manufacturing and coating facility in Brockway Borough, **Jefferson County**. The facility's primary emissions are from surface coating operations.

## 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 descrip-

tion below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

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

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

and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

*Coal Applications Received*

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <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.*

**03851303 and NPDES Permit # PA0213462, McVilleville Mining Company**, (301 Market Street, Kittanning, PA 16201-1504), to revise the permit for the Clementine Mine in North Buffalo and South Buffalo Townships, **Armstrong County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 4174.0, Subsidence Control Plan Acres Proposed 4174.0. No additional discharges. Application received: September 15, 2009.

**30031301 and NPDES Permit # PA0235610, Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to renew the permit for the 4 West Mine in Dunkard and Perry Townships, **Greene County** and related NPDES permit. No additional discharges. Application received: October 23, 2009.

**56021301 and NPDES Permit # PA0235547, Elk Lick Energy, Inc.**, (P. O. Box 240, Friedens, PA 15541-

0240), to revise the permit for the Roytown Deep Mine in Lincoln Township, **Somerset County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 142.0, Subsidence Control Plan Acres Proposed 142.0. Application received: October 2, 2009.

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

**32990105 and NPDES No. PA0235083, Thomas J. Smith, Inc.**, R. D. #1, Box 260D, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 210.3 acres. Receiving stream(s): unnamed tributaries to Tom's Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 13, 2009.

**56990103 and NPDES No. PA0235172, Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 222.0 acres. Receiving stream(s): unnamed tributaries to/and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 18, 2009.

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

**24990102 and NPDES Permit No. PA0241580. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 136.0 acres. Receiving streams: Limestone Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 19, 2009.

**33010103 and NPDES Permit No. PA0241954. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 103.0 acres. Receiving streams: Unnamed tributary to Sandy Lick Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal application is for reclamation only. Application received: November 23, 2009.

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

**54773017R5 and NPDES Permit No. PA0118770. KK Coal, LLC**, (P. O. Box 8, Cumbola, PA 17930), renewal of an existing anthracite surface mine and NPDES Permit for discharge of treated mine drainage in East Norwegian and Blythe Townships, **Schuylkill County** affecting 243.1 acres, receiving stream: East Branch Schuylkill River. Application received: November 17, 2009.

**54773017T and NPDES Permit No. PA0118770. KK Coal, LLC**, (P. O. Box 8, Cumbola, PA 17930), transfer and correction to update permit boundary of an existing anthracite surface mine operation from K & K Coal Company in East Norwegian and Blythe Townships, **Schuylkill County** affecting 259.0 acres, receiving stream: East Branch Schuylkill River. Application received: November 17, 2009.

#### *Noncoal Applications Received*

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

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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

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

**44930301 and NPDES No. PA0595985. Eastern Industries, Inc.**, 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034, revision of an existing limestone surface mine to add 2.7 acres for a boundary correction to permit the remining and reclamation of an existing waste pile in Armagh Township, **Mifflin County**. Total SMP acres goes to 173.8 acres. Receiving stream: Laurel Creek, classified for the following uses(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2007. Permit issued: November 24, 2009.

**6875SM3 and NPDES No. PA0612383. Eastern Industries, Inc.**, 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034, revision of an existing limestone surface mine to add 11.1 acres for a boundary correction. This will permit the remining and reclamation of an existing waste pile. In addition it is requested that the permit be revised to allow mining to the 655 MSL from the current 675 permitted elevation in Armagh Township, **Mifflin County**. Total SMP acres go to 114.7. Receiving stream: Honey Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2007. Permit issued: November 24, 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**

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

**E48-409. City of Easton**, One South Third Street, Easton, PA 18042, in City of Easton, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain various site improvements of Scott Park and Riverside Park within the floodplains of the Delaware River and the Lehigh River. Site improvements include landscape improvements and various other site amenities. The project begins on the east side of North Riverside Drive (SR 0611), approximately 0.25 mile from the intersection of SR 0115 and U.S. Route 22 and ends on the south side of Larry Holmes Drive (SR 0611), (Easton, PA Quadrangle Latitude: 40° 41' 16"; Longitude: -75° 12' 28") approximately 0.30 miles from the intersection of SR 0611 and SR 0248 in the City of Easton, Lehigh County (Easton, PA Quadrangle Latitude: Begins 40° 41' 38" N; Ends 40° 41' 16", Longitude: Begins -75° 12' 17" W; Ends -75° 12' 28").

**E39-499. Northeastern ITS**, 6779 Engle Road, Middleburg Heights, OH, in Heidelberg Township, Lynn Township, North Whitehall Township, Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a 450 mile conduit fiber optic system consisting of three 1.5-inch HDPE ducts:

1. To construct and maintain a utility line crossing of Unnamed Tributary to Ontelaunee Creek (EV, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 5-linear feet.

2. To construct and maintain a utility line crossing of Ontelaunee Creek (EV, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

3. To construct and maintain a utility line crossing of School Creek (EV, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 10-linear feet.

4. To construct and maintain a utility line crossing of Unnamed Tributary to School Creek (EV, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 3-linear feet.

5. To construct and maintain a utility line crossing of Unnamed Tributary to School Creek (EV, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 3-linear feet.

6. To construct and maintain a utility line crossing of Unnamed Tributary to Jordan Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

7. To construct and maintain a utility line crossing of Unnamed Tributary to Jordan Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 6-linear feet.

8. To construct and maintain a utility line crossing of Jordan Creek (TSF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 40-linear feet.

9. To construct and maintain a utility line crossing of Unnamed Tributary to Jordan Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 10-linear feet.

10. To construct and maintain a utility line crossing of Unnamed Tributary to Jordan Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 4-linear feet.

11. To construct and maintain a utility line crossing of Unnamed Tributary to Mill Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

12. To construct and maintain a utility line crossing of Mill Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 9-linear feet.

13. To construct and maintain a utility line crossing of Unnamed Tributary to Mill Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 10-linear feet.

14. To construct and maintain a utility line crossing of Coplay Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 4-linear feet.

15. To construct and maintain a utility line crossing of Unnamed Tributary to Coplay Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 2-linear feet.

16. To construct and maintain a utility line crossing of Unnamed Tributary to Coplay Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 5-linear feet.

17. To construct and maintain a utility line crossing of Lehigh River (TSF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

The project begins approximately 0.50 mile east of the intersection of SR 329 and Main Street and continues eastward for approximately 18.7 miles to the intersection of North Riverside Drive and Northampton Street (Slatedale, Cementon, Catasaqua, PA Quadrangle Latitude: 40° 41' 39"; Longitude: -75° 29' 28").

**E54-343. Northeastern ITS**, 6779 Engle Road, Middleburg Heights, OH, in Butler Township, New Castle Township, West Mahanoy Township, Mahanoy Township, Ryan Township, Schuylkill Township, Walker Township, West Penn Township, Frackville Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a 450 mile conduit fiber optic system consisting of three 1.5-inch HDPE ducts:

1. To construct and maintain a utility line crossing of Unnamed Tributary to Mahanoy Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 5-linear feet.

2. To construct and maintain a utility line crossing of Unnamed Tributary to Mahanoy Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 12-linear feet.

3. To construct and maintain a utility line crossing of Mahanoy Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 200-linear feet.

4. To construct and maintain a utility line crossing of Little Mahanoy Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 150-linear feet.

5. To construct and maintain a utility line crossing of Stony Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 10-linear feet.

6. To construct and maintain a utility line crossing of Unnamed Tributary to Mill Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 6-linear feet.

7. To construct and maintain a utility line crossing of Unnamed Tributary to Mill Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 3-linear feet.

8. To construct and maintain a utility line crossing of Unnamed Tributary to Codorus Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 6-linear feet.

9. To construct and maintain a utility line crossing of Locust Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 75-linear feet.

10. To construct and maintain a utility line crossing of Unnamed Tributary to Locust Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

11. To construct and maintain a utility line crossing of Unnamed Tributary to Locust Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

12. To construct and maintain a utility line crossing of Schuylkill River (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 15-linear feet.

13. To construct and maintain a utility line crossing of Little Schuylkill River (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 85-linear feet.

14. To construct and maintain a utility line crossing of Unnamed Tributary to Little Schuylkill River (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 10-linear feet.

15. To construct and maintain a utility line crossing of Unnamed Tributary to Little Schuylkill River (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 1.5-linear feet.

16. To construct and maintain a utility line crossing of Lizard Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 15-linear feet.

17. To construct and maintain a utility line crossing of Lizard Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 95-linear feet.

18. To construct and maintain a utility line crossing of Unnamed Tributary to Lizard Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

The project begins approximately 0.13 mile west of the intersection of State Highway 4027 (Lavell Road) and Main Street and continues eastward for approximately

41.2 miles to the intersection of SR 309 and Blue Mountain Road (Mount Carmel, Ashland, Shenandoah, Delano, Tamaqua, New Ringgold, New Tripoli, PA Quadrangle Latitude: 40° 46' 38"; Longitude: -76° 22' 27").

**E48-407. Northeastern ITS**, 6779 Engle Road, Middleburg Heights, OH, in Allen Township, East Allen Township, Hanover Township, Lower Nazareth Township, Palmer Township, Forks Township, Easton City, Northampton Borough, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a 450 mile conduit fiber optic system consisting of three 1.5-inch HDPE ducts:

1. To construct and maintain a utility line crossing of Indian Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 100-linear feet.

2. To construct and maintain a utility line crossing of a Water Filled Quarry in the Hokendauqua Creek Watershed (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning approximately 110-linear feet.

3. To construct and maintain a utility line crossing of Unnamed Tributary to Lehigh River (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 10-linear feet.

4. To construct and maintain a utility line crossing of Catasaqua Creek (CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

5. To construct and maintain a utility line crossing of East Branch Monocacy Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 40-linear feet.

6. To construct and maintain a utility line crossing of Unnamed Tributary to Bushkill Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 8-linear feet.

7. To construct and maintain a utility line crossing of Bushkill Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 55-linear feet.

8. To construct and maintain a utility line crossing of Bushkill Creek (HQ-CWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 75-linear feet.

9. To construct and maintain a utility line crossing of Delaware River (WWF, MF) consisting of three 1.5-inch HDPE fiber optic conduits spanning 500-linear feet.

The project begins approximately 0.70 miles northwest of the intersection of SR 309 and SR 4024 and continues eastward for approximately 18.3 miles to the intersection of SR 329 and SR 1027 (Cementon, Catasaqua, Nazareth, Easton, PA Quadrangle Latitude: 40° 42' 55"; Longitude: -75° 46' 04").

#### ENVIRONMENTAL ASSESSMENT

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

**EA17-007. Clearfield Creek Watershed Association, Inc.**, 216 Beldin Hollow Road, Ashville, PA 16613.

Decatur Township, **Clearfield County**, ACOE Baltimore District.

Acid mine drainage abatement project on an Unnamed Tributary to Morgan Run.

The applicant has requested a restoration waiver to construct, operate, and maintain the MR Ross AMD abatement project. The project will consist of two vertical flow treatment cells, two settling basins and appurtenant structures to remediate an impacted UNT to Morgan Run. The designated use for the UNT to Morgan Run is Cold Water Fishes. Project construction will result in 8 acres of disturbance, 0.13 acre of PEM wetland impacts, and 290 linear feet of stream impacts to both intermittent and perennial streams (Wallaceton Quadrangle Latitude: N: 40° 54' 52"; Longitude: W: 78° 20' 51").

## DAM SAFETY

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

**D15-395. Osborne Lagoon Dam. Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. Reissue of expired permit to construct, operate, and maintain Osborne Lagoon Dam located in the watershed of Leech Run (TSF, MF), for the purpose of providing additional wastewater storage capacity in order to meet 80-day storage requirements per a Consent Order and Agreement with the Department of Environmental Protection (Oxford, PA Quadrangle N: 9.85 inches; W: 16.35 inches) in Lower Oxford Township, **Chester 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 wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS202208	Kraft Foods Global, Inc. 7352 Industrial Boulevard Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run (2C)	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>
PAG2003604079R	Creek, LLC 214A Willow Valley Lakes Drive Willow Street, PA 17584	Lancaster County Penn Township	Little Conestoga Creek WWF	Y
PAG2003604080R	DDP Enterprises, Inc. 3850 Continental Drive Columbia, PA 17512	Lancaster County West Hempfield Township	UNT Susquehanna River WWF	Y
PA0087971 (IW)	Bedford Borough Water Authority 244 West Penn Street Bedford, PA 15522	Bedford County Bedford Township	UNT Ratystown Branch 11-C	Y
PA0024384 (SEW)	North Middleton Authority 240 Clearwater Drive Carlisle, PA 17013-1185	Cumberland County North Middleton Township	Conodoguinet Creek 7-B	Y
PA0085863 (IW)	SC Holdings, Inc. (Harmony Grove Landfill) 1000 New Ford Mill Road Morrisville, PA 19067	York County Dover Township	UNT Davidsburg Run 7-F	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>
PAS804803 (Sewerage)	Dominion Transmission, Inc. Harrison Compressor Station 1001 Pleasant Valley Road Harrison Valley, PA 16827	Harrison Township Potter County	North Br. Cowanesque River 4A	Y
PA0228095 (Sewage)	Tulpehocken Spring Water Co., Inc. 750 Point Township Drive Northumberland, PA 17857	Point Township Northumberland County	Catawissa/Roaring Creeks 5E	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>
PA0102822	Robert and Ronald Krenitsky, d/b/a Rolling Valley Estates 385 Eagle Mill Road Butler, PA 16001	Connoquenessing Township Butler County	Unnamed tributary to Little Connoquenessing Creek 20-C	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. PA0011282**, Industrial Waste, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge industrial wastewaters from a facility known as Crum Creek Water Filtration Plant into Crum Creek in Watershed 3G.

**NPDES Permit No. PA0054402**, Industrial Waste, **Emerson Electric Co.**, 8000 West Florissant Avenue, St. Louis, MO 63136. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater from an air stripper treatment unit located at 407 West Vine Street, Hatfield, PA 19440. Into the West Branch Neshaminy Creek in Watershed 2F.

**NPDES Permit No. PA0055913**, Industrial Waste, **Corco Chemical Corporation**, Tyburn Road and Cedar Lane, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater and non-contact cooling water into Corco Lakes Nos. 1 and 2 in Watershed 2E.

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

**NPDES Permit No. PA0261360**, Sewage, **Jerold Martin, Martin Leasing, Inc.**, 303 Middle Road, Lititz, PA 17543. This proposed facility is located in Elizabeth Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Hammer Creek in Watershed 7-J.

**NPDES Permit No. PA0261327**, Industrial Waste, **Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451. This proposed facility is located in Juniata and Harrison Townships, **Bedford County**; Ayr Township, **Fulton County**; and Peters Township, **Franklin County**.

Description of Proposed Action/Activity: Texas Eastern—TEMAX and TIME III Projects—Uprate Hydrostatic Testing Discharges located in Juniata Township, Bedford County to the UNT of Little Wills Creek in Watershed 13-A; Juniata Township, Bedford County to the Little Wills Creek in Watershed 13-A; Harrison Township, Bedford County to the UNT of Little Wills Creek in Watershed 13-A; Ayr Township, Fulton County to the Big Cove Creek in Watershed 13-B; UNT to West Branch Conococheague Creek in Watershed 13-C.

**NPDES Permit No. PA0008150**, Industrial Waste, **Mount Holly Springs Specialty Paper, Inc.**, One Mountain Street, Mount Holly Springs, PA 17065. This proposed facility is located in Mount Holly Springs Borough, **Cumberland County**.

Description of Size and Scope of Proposed Operation/Activity: Transfer of Permit/Authorization to discharge to Mountain Creek in Watershed 7-E.

**NPDES Permit No. PAS113501**, Stormwater, **DME Company, LLC**, 977 Loop Road, Lewistown, PA 17044. This proposed facility is located in Granville Township, **Mifflin County**.

Description of Size and Scope of Proposed Operation/Activity: Transfer of Permit/Authorization to discharge to UNT Juniata River/12-A.

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

**NPDES Permit No. PA0254045**, Industrial Waste, **Chestnut Ridge Beverage Company**, 11 Lloyd Avenue, Latrobe, PA 15650. This proposed facility is located in Latrobe Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance authorizing the discharge of reverse Osmosis backwash water, carbon filtration backwash water and storm water runoff to Loyalhanna Creek.

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

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

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

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

**WQM Permit No. 1598425**, Sewerage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: A bar screen, a sequencing batch reactor, chlorination, aerobic digestion tank, aerated lagoon and seven spray field zones.

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

**WQM Permit No. 2105402**, Amendment 09-1, Sewage, **Shippensburg Borough Authority**, 111 North Fayette Street, Shippensburg, PA 17257-0129. This proposed facility is located in Shippensburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit Amendment approval for the construction/operation of sewerage facilities consisting of: Three cloth disk filters and UV disinfection.

**WQM Permit No. 0585402**, Sewage, **Debra and Eugene Smith**, 575 Carberry Road, Saxton, PA 16678. This proposed facility is located in Liberty Township, **Bedford County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. WQG01280901**, Sewage, **William Yaukey**, 879 Forest Road, Chambersburg, PA 17201. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for a Small Flow Treatment Plant.

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

**WQM Permit No. 1409202**, Industrial Waste, **Glenn O. Hawbaker**, 1952 Waddle Road, State College, PA 16803. This proposed facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is approved to construct a 102,000 cubic feet lined impoundment to store runoff at a proposed paved railcar stockpiling facility. The stock piling will be of salt and/or coal. There will be no associated discharge of stormwater. When the impoundment becomes full, the stormwater will be trucked to a treatment facility.

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

**WQM Permit No. 3309201**, Industrial Waste, **Brookville Municipal Authority**, 18 Western Avenue, Suite A, Brookville, PA 15825-1540. This proposed facility is located in Rose Township and Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: Issuance of a permit to construct industrial wastewater facilities.

**WQM Permit No. WQG018726**, Sewerage, **James L. Reiser**, 9723 PA Route 18, Cranesville, PA 16410. This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018721**, Sewerage, **Greg Nanz**, 265 Buckley Road, Mercer, PA 16137-5907. This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

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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 1506024	West Vincent Township 729 Saint Matthews Road Chester Springs, PA 19425	Chester	West Vincent Township	Birch Run (EV)
PAI01 1509022	Tel Hai Retirement Community 1200 Tel Hai Circle P. O. Box 190 Honey Brook, PA 19344	Chester	Honey Brook Township	Two Log Run (HQ-TSF)
PAI01 1509029	Sweetwater Business Properties, LP 5051 Horseshoe Pike Honey Brook, PA 19453	Chester	Honey Brook Township	West Branch Brandywine Creek (HQ-TSF-MF)
PAI01 1509031	Morphotek, Inc. 210 Welsh Pool Road Exton, PA 19341	Chester	Uwchlan Township	Pickering Creek (HQ-TSF)
PAI01 1509036	Redevelopment Authority of Coatesville One City Hall Place Coatesville, PA 19320	Chester	City of Coatesville and Valley Township	West Branch Brandywine Creek (WWF)

*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>
PAI021304002R	Blue Ridge Real Estate P. O. Box 707 Blakeslee, PA 18610	Carbon	Kidder Twp.	Lehigh River HQ-CWF, MF
PAI024808016	Dept. of General Services 18th & Herr Streets Harrisburg, PA 17120	Northampton	Bushkill Twp.	Bushkill Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0633 09 001	Brookville Municipal Authority 30 Darrah Street Brookville, PA 15825	Jefferson	Brookville Borough	North Fork Creek HQ-CWF

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


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

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


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

*General Permit Type—PAG-2*
*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Plumstead Township Bucks County	PAG200 0904033-R	John Werner, Inc. 4952 Gloucester Drive Doylestown, PA 18902	Geedes Run Tohickon Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG200 0904156-R	David Brooke Rush Builders 732 East Creamery Road Perkasie, PA 18944	Deep Run (WWF-CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG200 0909028	John L. Ball 961 Lower State Road Chalfont, PA 18914	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Bucks County	PAG200 0909097	CSX Transportation 2000 West Cabot Blvd Ste 120 Langhorne, PA 19407	Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG200 2304060-R	William Dalusio 1244 West Chester Pike West Chester, PA 19382	Tributary West Branch Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Delaware County	PAG200 2309021	Donald F. Kaiser 179 Glen Mills Road Glen Mills, PA 19342	Unnamed Tributary Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG200 4604170-R	WB Commons, LP 404 Summneytown Pk Ste 200 North Wales, PA 19454	West Branch Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Worcester Township Montgomery County	PAG200 4604167-R	Bell/Kumpf, LP 1030 West Germantown Pike Fairview Village, PA 19409	Stoney and Zacharas Creeks (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Conshohocken Borough Montgomery County	PAG200 4609060	Ratoskey and Trainer, Inc. 396 East Schuylkill River Road Bridgeport, PA 19405	Plymouth Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAG200 4608171	Montgomery County Correction Facility 60 Eagleville Road Norristown, PA 19403	Unnamed Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4603114-R	Ridgewood Partnership 409 Riverview Road Plymouth Meeting, PA 19462	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG200 4606055-1	BT Limekiln LP-BET Investments, Inc. Witmer Road, #200 Horsham, PA 19044	Pine Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Collegeville Borough Montgomery County	PAG200 4609049	St. Eleanor Parish 647 Locust Street Collegeville, PA 19426	Donny Brook (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Norriton Township Montgomery County	PAG200 4603148-R	Glen Farms, LP 1030 West Germantown Pike Fairview Village, PA 19409	Unnamed Tributary Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG200 4608018	Stout's Ferry Preparation Co. P. O. Box 279 300 Industrial Park Road St. Clair, PA 17970	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4609083	Michael Frost P. O. Box 187 209 Brower Avenue Oaks, PA 19456	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG200 4609015-1	Horsham Township 1025 Horsham Road Horsham, PA 19044	Park Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5109035	Philadelphia Development Associates, LLC 5219 Germantown Avenue Philadelphia, PA 19144	Unnamed Tributary Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wayne Twp. Schuylkill Co.	PAG2005408017	Schuylkill Christian Church Attn: Steve Letcavage 134 Lake Front Dr. Deer Lake, PA 17961	Little Swatara Creek CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Franklin Twp. Carbon Co.	PAG2001309005	Wayne Redline 860 Interchange Rd. Lehighton, PA 18235	Tar Run CWF	Carbon Co. Cons. Dist. 610-377-4894



<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>
Williams Twp. Northampton Co.	PAG2004804030R	Ashley Partners, L.P. Attn: Lewis Ronca 179 Mikron Rd. Bethlehem, PA 18020	Delaware River WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Bridgewater Twp. Susquehanna Co.	PAG2005809004	Monroe Montrose, LLC Attn: Gerald Raymond 801 Monroe Ave. Scranton, PA 18510	Snake Creek CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
Morris Township Clearfield County	PAG2001709011	Scott Kucharcik 115 Rosewood Love Bellefonte, PA 16823	Alder Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Sandy Township Clearfield County	PAG2001709012	Wayne Daugherty 1 1/2 Evergreen Street DuBois, PA 15801	UNT to Pentz Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Greene County Franklin Township	PAG2003009002	Armstrong Development 2100 Wharton Street Pittsburgh, PA 15203	South Fork Ten Mile (WWF)	Greene County CD 724-852-5278
Adams Township Butler County	PAG2 0010 09 015	Mr. Donald Aiken, Chairperson Board of Supervisors Adams Township 690 Valencia Road Mars, PA 16045	Unt Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Limestone Township Clarion County	PAG2101609004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Runaway Run (CWF) to Redbank Creek	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-1311

*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>
York County Newberry Township	PAR603516	Aumiller's West, Inc. 964 Old Rossville Road Lewisberry, PA 17339	Unt Bennett Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
O'Hara Township Allegheny County	PAR236127	Matthews International Corporation Two NorthShore Center Pittsburgh, PA 15212	UNT of the Beaver River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Millcreek Township Erie County	PAR808347	United Parcel Services, Inc. 521 North Center Avenue New Stanton, PA 15672	Municipal storm water tributaries to Walnut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Sandycreek Township Venango County	PAR208347	Latrobe Steel Company, d/b/a Latrobe Specialty Steel Company	Unnamed tributary of Morrison Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

<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>
Wilmington Township Lawrence County	PAR808343	UPS, Inc. UPS New Castle Distribution Center 521 North Center Avenue New Stanton, PA 15672	Unnamed tributary to Neshannock Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Wetmore Township McKean County	PAR808344	UPS, Inc. UPS New Castle Distribution Center 521 North Center Avenue New Stanton, PA 15672	Unnamed tributary to Hubert Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Vernon Township Crawford County	PAR808345	UPS, Inc. UPS New Castle Distribution Center 521 North Center Avenue New Stanton, PA 15672	Unnamed tributary to Watson Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<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>
Upper Frederick Township Montgomery County	PAG040135	Gina M. Bryan Joseph A. Kuroski 113 Church Road East Greenville, PA 18041	UNT to Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Pocopson Township Chester County	PAG040136	Sarah B. Mims 814 Denton Hollow Road West Chester, PA 1932	Pocopson Creek Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
East Fallowfield Township Chester County	PAG040137	Nadine Keil 7 Beck Road Coatesville, PA 19320	UNT to Dennis Run Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Marlborough Township Montgomery County	PAG040138	Linda Copenhaver 200 West Montgomery Avenue North Wales, PA19454	UNT to Macoby Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
New Hanover Township Montgomery County	PAG040139	Perry Godshall 830 Kulp Road Perkiomenville, PA 18074	UNT of Deep Creek Watershed 3E Perkiomen Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Franklin County Antrim Township	PAG043894	William Yaukey 879 Forest Road Chambersburg, PA 17201	UNT to West Branch Conococheague Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Elk Creek Township Erie County	PAG049549	James L. Reiser 9723 PA Route 18 Cranesville, PA 16410	Unnamed tributary to the East Branch of Conneaut Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Washington Township Erie County	PAG048506	Brian G. and Stacie E. Waldo 12302 Hamilton Road Edinboro, PA 16412	Unnamed tributary to Conneauttee Creek 16A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Findley Township Mercer County	PAG049543	Greg Nanz 265 Buckley Road Mercer, PA 16137-5907	Unnamed tributary to Mill Creek 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

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

PAG083603

South Middleton  
Township  
Municipal Authority  
P. O. Box 8 345  
Creswell Drive  
Boiling Springs, PA  
17007Jay Wickard Farm  
Monroe Township  
Cumberland CountyDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Mount Pleasant  
Township  
Westmoreland  
CountyA Plus Affordable, LLD  
AA Septic Tank Service  
P. O. Box 246  
Donegal, PA 15628Halversen Tree Farm  
Biosolids SiteSouthwest  
Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG-12**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office & Phone No.*Lebanon County  
Union Township

PAG123688

Eugene Weiler  
Weiler Farm Partnership  
Weiler Farm #1  
350 Mill Avenue  
Myerstown, PA 17067Tulpehocken Creek  
TSF  
3-CDEP—SCRO—  
Watershed Management  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Lebanon County  
Union Township

PAG123688

Eugene Weiler  
Weiler Farm Partnership  
Weiler Farm #3  
350 Mill Avenue  
Myerstown, PA 17067Trout Run  
CWF  
7-DDEP—SCRO—  
Watershed Management  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Lebanon County  
South Londonderry  
Township

PAG123551

Eugene Weiler  
Weiler Farm Partnership  
Weiler Farm #2  
350 Mill Avenue  
Myerstown, PA 17067UNT Little  
Conewago Creek  
TSF  
7GDEP—SCRO—  
Watershed Management  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802**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.

NUTRIENT MANAGEMENT PLAN—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>Approved or Disapproved</i>
GNH Farms, LLC 224 White Church Road Elysburg, PA 17824	Columbia	325.9	343.88	Layers, Beef, Horses	HQ	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. 1509512**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Township	East Vincent
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Pennsylvania-American Water Company 4 Wellington Boulevard Wyomissing, PA 19610

Permit to Construct Issued October 30, 2009

**Permit No. 2309506**, Public Water Supply.  
Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Township Nether Providence  
County **Delaware**  
Type of Facility PWS  
Consulting Engineer Hatch Mott McDonald  
27 Bleeker Street  
Millburn, NJ 07041-1008

Permit to Construct Issued July 24, 2009

**Operations Permit No. 4609503** issued to **Exelon Nuclear Limerick Generating Station**, 1697 Swamp Pike, Gilbertsville, PA 19525.

**(PWSID No. 1460847)** Limerick Township, **Montgomery County** on February 11, 2009, for the operation of Facilities approved under construction permit No. 4609503 for an additional filter to the existing Arsenic treatment system at Alley Deep Well No.1.

**Operations Permit No. 4609522** issued to **Saint Luke Knolls**, 1697 Swamp Pike, Gilbertsville, PA 19525.

**(PWSID No. 4609518)** Douglass Township, **Montgomery County** on June 22, 2009, for the operation of Facilities approved under construction permit No. 4609518 for the water softening system at Saint Luke Knolls.

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

**Permit No. 3390062**, **Operations Permit**, Public Water Supply.

Applicant	<b>Salisbury Township</b> 2900 South Pike Ave. Allentown, PA 18103
Borough or Township	Salisbury Township
County	<b>Lehigh</b>
Type of Facility	PWS
Consulting Engineer	David Tetteimer, P. E. Keystone Consulting Engineers, Inc. 6235 Hamilton Boulevard Wecosville, PA 18106

Permit to Operate Issued 11/16/2009

**Permit No. 3540032, Operations Permit,** Public Water Supply.

Applicant **Pennsylvania American Water**  
800 West Hersheypark Dr.  
Hershey, PA 17033

Borough or Township Frackville Borough

County **Schuylkill**

Type of Facility PWS

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

Permit to Operate Issued 11/16/09

Responsible Official David Foreman, President  
Walker Township  
Water Authority  
P. O. Box 160  
Mingoville, PA 16856

Type of Facility Public Water Supply—  
Construction

Consulting Engineer David A. McCullough, P. E.  
Uni-Tec Consulting  
Engineers, Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit Issued Date November 23, 2009

Description of Action Installation of the Snyderstown  
pressure reducing valve vault.

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

**Permit No. 6708508,** Public Water Supply.

Applicant **United Water Pennsylvania**

Municipality Newberry Township

County **York**

Type of Facility New Paddletown Well  
with treatment for the  
ewberry System.

Consulting Engineer Edward A. Ellinger, P. E.  
Herbert Rowland Grubic, Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Permit to Construct Issued: 11/25/2009

**Permit No. 4909503—Construction,** Public Water Supply.

Applicant **Eyer's Manor Personal Care Home**

Township or Borough Point Township

County **Northumberland**

Responsible Official Ms. Beverly Cook-Trego  
Eyer's Manor Personal  
Care Home  
3196 Ridge Road  
Northumberland, PA 17857

Type of Facility Public Water Supply—  
Construction

Consulting Engineer Chris Beidler, P. E.  
Larson Design Group  
1000 Commerce Park Drive  
Williamsport, PA 17701

Permit Issued Date November 24, 2009

Description of Action Installation of a new public  
water supply including Well  
Nos. 1 and 2, disinfection, iron  
and manganese removal,  
softening, detention piping and  
distribution system.

**Permit No. 3609508,** Public Water Supply.

Applicant **Manheim Borough Authority**

Municipality Manheim Borough

County **Lancaster**

Type of Facility Addition of sequestering  
chemical to reduce  
tuberculation and scaling.

Consulting Engineer Yves E. Pollart BCEE, P. E.  
Rettew Associates, Inc.  
2500 Gettysburg Road  
Camp Hill, PA 17011

Permit to Construct Issued: 11/25/2009

Permit Issued Date November 24, 2009

Description of Action Installation of a new public  
water supply including Well  
Nos. 1 and 2, disinfection, iron  
and manganese removal,  
softening, detention piping and  
distribution system.

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

**Permit No. 6309502,** Public Water Supply.

Applicant **Authority of the Borough of Charleroi**  
3 McKean Avenue  
P. O. Box 211  
Charleroi, PA 15022

Borough or Township Speers Borough

County **Washington**

Type of Facility Waterline rehabilitation

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct Issued November 22, 2009

**Operations Permit** issued to: **Masonic Village,** 7360025, West Donegal Township, **Lancaster County** on 11/20/2009 for the operation of facilities approved under Construction Permit No. 3609518 MA.

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

**Permit No. M.A. (1407503)—Construction,** Public Water Supply.

Applicant **Walker Township Water Authority**

Township or Borough Walker Township

County **Centre**

**Operations Permit** issued to: **Borough of Ambridge Water Authority,** P. O. Box 257, 600 Eleventh Street, Ambridge, PA 15003-2377, (PWSID No. 5040008) Economy Borough, **Beaver County** on November 29,

2009, for the operation of facilities approved under Construction Permit No. 0407505.

**Permit No. 1108502MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Nanty Glo Water Authority</b> 827 Chestnut Street Nanty Glo, PA 15943
Borough or Township	Cambria Township
County	<b>Cambria</b>
Type of Facility	Nanty Glo/Ebensburg Borough interconnection
Consulting Engineer	Stiffler, McGraw & Associates, Inc. 19 N. Juniata St. P. O. Box 462 Hollidaysburg, PA 16648
Permit to Construct Issued	November 22, 2009

**Permit No. 6509506MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Municipal Authority of Westmoreland County</b> 124 Park & Pool Road New Stanton, PA 15672
Borough or Township	Hempfield and Salem Townships
County	<b>Westmoreland</b>
Type of Facility	Waterline
Consulting Engineer	
Permit to Construct Issued	November 29, 2009

**Permit No. 2609507MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Municipal Authority of Westmoreland County</b> 124 Park & Pool Road New Stanton, PA 15672
Borough or Township	Kiskiminetas Township
County	<b>Armstrong</b>
Type of Facility	Waterline
Consulting Engineer	
Permit to Construct Issued	November 29, 2009

**Permit No. 0209517MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033
Borough or Township	Elizabeth Township
County	<b>Allegheny</b>
Type of Facility	Elizabeth Township water storage tank
Consulting Engineer	Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011-2316
Permit to Construct Issued	November 29, 2009

**Permit No. 0409507MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Beaver Falls Municipal Authority</b> 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010
Borough or Township	Eastvale Borough
County	<b>Beaver</b>
Type of Facility	Water treatment plant
Consulting Engineer	Michael Baker Jr., Inc. 4301 Dutch Ridge Road Beaver, PA 15009
Permit to Construct Issued	November 29, 2009

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

**Permit No. 3309501, Public Water Supply.**

Applicant	<b>Brookville Municipal Authority</b>
Township or Borough	Rose Township Brookville Borough
County	<b>Jefferson County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Mark V. Glenn, P. E. Gwin Dobson & Foreman, Inc.
Permit to Construct Issued	11/25/2009

**Construction/Operations Permit issued to Aqua PA Inc. for Aqua PA Emlenton Water System, PWSID No. 6610019, Emlenton Borough, Venango County, November 19, 2009, for the construction and operation of the new water system, including the consolidation of existing permits & water system improvements during the construction phase of a new treatment facility. Construction and Operations Permit No. 6109502 are issued simultaneously.**

#### STORMWATER MANAGEMENT

**Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775.*

**The Act 167 Stormwater Management Plan for Tacony Creek (Frankford) Designated Watershed, submitted by Philadelphia and Montgomery Counties, was approved on November 23, 2009. This approval applies to the entire watershed within both Philadelphia and Montgomery Counties.**

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Norriton Township	2501 Stanbridge Street East Norriton, PA 19401-1616	Montgomery County

*Plan Description:* On November 24, 2009, the Southeast Regional Office approved the sewage facilities planning module for the Albert Einstein Regional Medical Center (DEP Code 1-46926-153-3J), located at 559 West Germantown Pike, in East Norriton Township, Montgomery County.

The planning module provides for adequate sewage facilities planning to permit the development of a 5-story, 224-bed hospital and a 2-story, 75,000 square foot medical office building. This project will be connected to the East Norriton Township collection system and will generate 92,000 gallons of sewage per day to be treated at the East Norriton-Plymouth-Whitpain Joint Sewer Authority Wastewater Treatment Facility.

*Plan Description:* On November 24, 2009, the Southeast Regional Office approved East Norriton Township's Act 537 Special Study. The Special Study provides for the following:

A sewage pumping station ("Einstein Pumping Station") and a force main will be constructed, which will convey sewage flows from the Albert Einstein Regional Medical Center ("Medical Center") property to an existing manhole in Germantown Pike, west of North Wales Road. The pumping station will be located in the western corner of the Medical Center property, southeast of Whitehall Road, and will have average design flows of 142,600 gallons per day.

East Norriton Township commits to continuing its existing infiltration and inflow (I/I) reduction program and to rehabilitating the Germantown Pump Station force main as its comprehensive, long-term program to address capacity shortfalls in the Germantown Pump Station service area.

A 225,000 gallon surge storage tank will be constructed on the Medical Center property. Sewage will be pumped from the Einstein Pumping Station into the surge storage tank when the maximum flow rate in the upstream conveyance facilities exceeds 2,400 gallons per minute.

Sewage from the Sandra Lane Pumping Station will be diverted from the Germantown Pumping Station to the Einstein Pumping Station.

The approval is made specifically contingent upon the following:

This plan also proposes the decommissioning of the Marion Avenue Pumping Station and the rerouting of the sewage flows from this pumping station and from North Whitehall Road to the gravity sewers in Barbara Drive. The Einstein Pumping Station will be sized to anticipate these flows. The submission does not include all of the information required by Chapter 71, Section 71.31(c). Specifically, the public notice provided with the Special Study does not include the decommissioning of the Marion Avenue Pumping Station and the rerouting of this sewage. Therefore, this activity is not included as part of this approval.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Multiple	Multiple	Chester County

Municipalities—City of Coatesville, Parkesburg Borough, Caln, East Fallowfield, Highland, Sadsbury, Valley, West Brandywine, West Caln and West Sadsbury Townships.

*Plan Description:* On November 19, 2009, the Southeast Regional Office reissued and clarified its October 21, 2009, approval of the official sewage facilities plan titled *Sewage Facilities Plan Update—Tributary Municipalities of Pennsylvania American Water Company*, as prepared by URS Corporation dated August 2006, revised March 2009.

The reissued approval provides for the following:

1. The Pennsylvania American Water Company (PAWC) Coatesville wastewater treatment facility will be expanded from 3.85 million gallons per day (MGD) annual average flow to 7.0 MGD annual average flow. Capacity in the expanded facility will first be allocated to bulk customers consistent with the terms and conditions set forth in these municipalities' capacity agreements with PAWC, as presented in Appendix G of the plan. These bulk customers' capacity agreements are the partial basis of the sewage capacity needs projected in the plan. All other customers will be allocated capacity on a "first-come-first serve" basis.

2. The interceptor rehabilitation work approved as part of previous Corrective Action Plan/Connection Management Plan (CAP/CMP) quarterly updates is hereby memorialized through the Act 537 planning process. Additionally, the Department of Environmental Protection (Department) accepts the clarification by URS Corp. to the Department in its November 18, 2009, correspondence that the specific interceptor work identified in the CAP/CMP quarterly updates has been completed or is approved for completion.

The Department offers the following comments on this regional plan:

3. Future improvements to the collection and conveyance system not covered under previous CAP/CMP approvals will be driven largely by the needs of new land development. Additional Act 537 planning must be conducted to address this issue for all municipalities, depending on need. The plan(s) must document existing and future capacities in all major interceptors and pump stations, funding for any required facility expansion, PNDI, and PHMC requirements for any proposed construction projects. The required planning can be included in the sewage facilities planning modules for affected new land developments.

4. We note that PAWC has provided an assurance to the Department that it will work with its customer municipalities to initiate additional Act 537 planning once the annual average flows at the plant reach 80 percent of the 7.0 MGD.

5. The capacity in the expanded plant is currently available to those municipalities that have completed Act 537 planning for their individual municipalities. Specifically, the City of Coatesville and Parkesburg Borough, and Caln, Valley and West Sadsbury Townships may utilize capacity in the expanded PAWC facility. Additional capacity in the expanded facility will not be available to

East Fallowfield, Highland, Sadsbury, West Brandywine and West Caln Townships until the Department reviews and approves each municipality's individual Act 537 Plan.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pine Township	309 Wintersteen School Road Millville, PA 17846	Columbia County

*Plan Description:* The approved plan proposes to extend sewer service to 30 existing homes and the American Legion along Legion Road. The sewage will be treated at the existing Millville Sewage Treatment Plant. Two routes to convey the sewage have been evaluated and approved; both will use grinder pumps and pressure sewers and both will follow the same collection route. The conveyance route will be selected during the design stage when more detailed information is available. Option 3C is estimated to cost \$1,235,725 and Option 3D is estimated to cost \$1,116,100. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of Pine Township as appropriate.

## **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

### **Notice of Settlement under HSCA Quality Service Cleaners**

#### **HSCA Site Oxford Borough, Chester County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. Sections 6020.101—6020.1305, has entered into a Prospective Purchaser Agreement ("Agreement") with Keystone Community Alliance, LLC and Keystone Community Alliance—Oxford, LP (collectively "KCA") regarding the Quality Service Cleaners HSCA Site.

The Quality Service Cleaners HSCA Site is a "site" within the meaning of Section 103 of HSCA, 35 P.S. § 6020.103, which is located at 642 Lincoln Street, near the intersection of Wheeler Boulevard and Lincoln Street, in the Borough of Oxford, Pennsylvania. The Site consists of soils and groundwater contamination associated with the former operation of a dry cleaning establishment and includes a parcel with an area of 26,000 +/- square feet (Property) and a plume of groundwater contamination that extends beyond the Property. The Property is owned by the Estate of Martha J. Skelton (Estate). The Department has implemented a HSCA response at the Site and has conducted site characterization activities in three phases to determine if additional response actions are needed to address hazardous substances at the Site, including soil and groundwater contamination.

KCA intends to acquire title to the Property from the Estate. KCA has asserted, and the Department has no information to indicate otherwise, that, other than potential liability associated with the purchase of this property, neither Keystone Community Alliance, LLC nor Keystone Community Alliance—Oxford, LP caused, contributed to, or is otherwise liable for any contamination at the Quality Service Cleaners HSCA Site. Under the terms of

the Agreement with the Department, KCA agrees: (1) to attain a standard or combination of standards under the Land Recycling Program with regard to the remaining soil contamination on the Property; (2) to partially or completely demolish an existing building on the Property, if necessary for the remediation of the soils and/or groundwater at the Site; (3) not to exacerbate any existing contamination at the Site; and (4) to provide access and right of entry to the Department for future performance of any potential response actions related to the Site, in exchange for a covenant not to sue and contribution protection from the Commonwealth.

The sole beneficiary of the Estate is Handi-Crafters Foundation, a tax-exempt public foundation under Sections 501(c)(3) and 509(A)(3) of the Internal Revenue Code (Handi-Crafters). The Department, the Executors of the Estate and Handi-Crafters have negotiated in good faith and it has been agreed that the amount of \$25,000.00 will be distributed to the Department from the corpus of the Estate on behalf of KCA, as reimbursement of certain response costs.

This notice is provided under Section 1113 of HSCA, 35 P.S. Section 6020.1113. The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's Offices at 2 East Main Street, Norristown, PA 19401 by contacting either Ragesh Patel at (484) 250-5719 or William H. Blasberg at (484) 250-5865. Mr. Patel and Mr. Blasberg may also be contacted electronically at [rapatel@state.pa.us](mailto:rapatel@state.pa.us) and [wblasberg@state.pa.us](mailto:wblasberg@state.pa.us), respectively. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this Notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to Mr. Patel at the above address.

### **Public Notice of Proposed Consent Order and Agreement Quality Service Cleaners**

#### **HSCA Site Borough of Oxford, Chester County**

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.1113, has entered into a Consent Order and Agreement with Carole E. and Theodore G. Nichols, as Executors of the Estate of Martha J. Skelton (Estate), for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released at the Quality Service Cleaners HSCA Site in Chester County, PA ("the site").

The Quality Service Cleaners HSCA Site is a "site" within the meaning of Section 103 of HSCA, 35 P.S. § 6020.103, which is located at 642 Lincoln Street, near the intersection of Wheeler Boulevard and Lincoln Street, in the Borough of Oxford, Pennsylvania. The Site consists of soils and groundwater contamination associated with the former operation of a dry cleaning establishment and includes a parcel with an area of 26,000 +/- square feet (Property) and a plume of groundwater that extends beyond the Property. The Property is owned by the Estate. The Department has implemented a HSCA response at the Site and has conducted site characterization activities in three phases to determine if additional response actions are needed to address hazardous substances at the Site, including soil and groundwater contamination.

The Estate is a responsible party pursuant to Section 701 of HSCA, 35 P.S. § 6018.701. It is in the public interest for the Department to resolve its claim against the Estate. The sole beneficiary of the Estate is Handi-



Crafters Foundation, a tax-exempt public foundation under Sections 501(c)(3) and 509(A)(3) of the Internal Revenue Code (Handi-Crafters). The Department, the Executors and Handi-Crafters have negotiated in good faith and it has been agreed that the Department will be reimbursed for certain response costs in the amount of \$300,000 from the corpus of the Estate. The Estate shall receive contribution protection from claims related its ownership of the Site and related to ownership of the Site by Martha J. Skelton during her lifetime.

This notice is provided under Section 1113 of HSCA, 35 P. S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either Ragesh Patel at (484) 250-5719 or William H. Blasberg. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this Notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to Mr. Patel at the above address.

#### **Proposed Interim Response Lower Providence DCE**

##### **HSCA Site Lower Providence Township, Montgomery County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), is proposing an Interim Response at the Lower Providence DCE HSCA Site (Site) in Lower Providence Township, Montgomery County, Pennsylvania.

The Department, under the authority of HSCA, is conducting an investigation of the Site. This investigation includes the sampling of private drinking water supply wells located in the vicinity of Ridge Pike, Germantown Pike, and Evansburg Road in Lower Providence Township. Approximately 150 wells are contaminated or may potentially be contaminated with detectable levels of 1, 1-Dichloroethene (1, 1-DCE). Tetrachloroethene (PCE), Trichloroethene (TCE) and breakdown products of TCE were also detected in some of the wells, but 1, 1-DCE is the primary contaminant of concern.

To address the release and threat of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes a response action at the Site under section 501(a) of HSCA (35 P. S. § 6020.501(a)). The Department hereby proposes the installation of a waterline, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Those interested in examining the Administrative Record should contact David Ewald at (484) 250-5725 to arrange for an appointment. An additional copy of the

Administrative Record is available for review at the Lower Providence Community Library, 50 Park Lane Drive, Eagleville, PA 19403.

Under section 506(d) of HSCA (35 P. S. § 6020.506(d)), the Department shall conduct a public hearing on January 20, 2010, at 7:00 PM in the hearing room of the Lower Providence Township Building at 100 Parklane Drive, Eagleville, PA. Anyone who would like to present formal oral comments regarding this Interim Response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak, at (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with section 506(c) of HSCA, the Department has established a period for public comment that is now open until close of business March 19, 2010. Written comments should be addressed to David Ewald, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact David Ewald at (484) 250 5725.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

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

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

substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Aden Property**, 1828 Valley Forge Road, South Whitehall Township, **Lehigh County**. Gregg J. Walters, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of his clients, LaRoy and Ruth Aden, 1828 Valley Forge Road, Allentown, PA 18104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking pressure gauge from a furnace/275-gallon aboveground storage tank system. 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 16, 2009.

**Bethlehem Commerce Center (Entire Site)**, 1805 East 4th Street, Bethlehem City, **Northampton County**. William K. Ahlert, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of groundwater found to have been impacted by benzene, naphthalene, and TCE constituents as a result of historical operations at the former Bethlehem Steel Plant. The combined report was submitted to document attainment of the Site-Specific Standard for Groundwater. A public notice regarding the submission of the combined Remedial Investigation Report/Final Report was published in *The Morning Call* and *the Express Times* on October 30, 2009.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the

nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Former Ballard/Kara Property**, Route 309 and Interstate 80, Butler Township, **Luzerne County**. Richard C. Karr, MACTEC Engineering and Consulting, Inc., 1787 Sentry Parkway West, Suite 120, Blue Bell, PA 19422-2200 submitted a Final Report (on behalf of his client, Drums Fuel Stop, Inc., R. R. 1, Route 309 and I-80, Drums, PA 18222), concerning the remediation of soils and groundwater found to have been impacted by leaded/unleaded gasoline, chlorinated solvents and diesel fuel as a result of historic operations and offsite contribution. The report documented attainment of the Statewide Health Standard for soils and groundwater with the exception of Benzene, Methyl tertiary Butyl Ether (MtBE), Trichloroethene, cis-1,2-dichloroethene and Vinyl Chloride in groundwater, which will be covered under the Background Standard and was approved on November 16, 2009.

**Gesford Property—Well No. 9**, Carter Road, Dimock Township, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a Final Report (on behalf of her client, Cabot Oil & Gas Corporation, 5 Penn Center

West, Suite 401, Pittsburgh, PA 15276-0120), concerning the remediation of soils found to have been impacted by diesel fuel as a result of a release from an overflow of a 50-gallon day tank and also the remediation of diesel fuel in soil, which was found during the Department of Environmental Protection's inspection of the area on August 21, 2009. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on November 24, 2009.

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

**Getz Residence**, Swatara Township, **Lebanon County**. ATC Associates, Inc., 101 Allegheny Street, Suite B, Hollidaysburg, PA 16648, on behalf of Cindy and Ernie Getz, 3 Eve Avenue, Lebanon, PA 17042 and Kreiser Fuel Service, 122 Race Horse Drive, Jonestown, PA 17038, submitted a Final Report concerning site soils contaminated with home heating oil released from a ruptured tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on November 24, 2009.

**Floyd & Beasley Transfer Company Diesel Fuel Spill**, Susquehanna Township, **Dauphin County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Floyd & Beasley Transfer Company, Inc., 18060 Alabama Highway 21, Sycamore, AL 35149, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a ruptured saddle tank on a tractor trailer. The final report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on November 24, 2009.

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

**M/K Express-Altire**, SR 322 West Accident, College Township, **Centre County**. Minuteman Spill Response, Inc., P. O. Box 10, Mifflinville, PA 18631 on behalf of M/K Express, P. O. Box 509, East Butler, PA 16029 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 25, 2009.

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

**Honeywell Wax Manufacturing Facility OLD**, Emlenton Borough, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Corporation, 700 Milam Street, 30th Floor, Houston, TX 77002 has submitted a Final Report concerning the remediation of site soil contaminated with carbon disulfide, chloromethane, ethylbenzene, hexane, isopropylbenzene, methylene chloride, naphthalene, sec-butylbenzene, tert-butylbenzene, trichloroethane xylenes, 2-butanone, acenaphthene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[g,h,i]perylene, biphenyl, chrysene, fluoranthene, fluorene, indeno pyrene, phenanthrene, pyrene, 2-methylnaphthalene, aluminum, antimony, barium, beryllium, cadmium, cobalt, copper, iron, manganese, nickel, selenium, silver, vanadium, benzene, 1,2,4-TMB, 1,3,5-TMB, cyclohexane, toluene, benzo[a]pyrene, dibenzofuran, arsenic, chromium, lead, mercury and site groundwater contaminated with acetone, benzene, isopropylbenzene, p-isopropyltoluene, sec-

butylbenzene, tert-butylbenzene, 2-butanone, hexane, 1,2,4-TMB, 1,3,5-TMB, cyclohexane, chloroethane, chloromethane, ethylbenzene, toluene, m,p,o-xylenes, aluminum, antimony, arsenic, barium, beryllium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, vanadium, and zinc. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on November 20, 2009.

### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

Registration Under **General Permit No. WMGR 064R004**. Jefferson Township, 7407 Lamor Road, Mercer, PA 16137.

**General Permit Number WMGR064** authorizes the beneficial use of natural gas well brines for roadway pre-wetting, anti-icing, and for roadway de-icing purposes to minimize the formation or development of bonded snow and ice to roadways and walkways. Central Office approved this registration for coverage under the general permit on December 1, 2009.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 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.

### AIR QUALITY

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

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

**GP1-23-0148: PQ Corp.** (1201 West Front Street, Chester, PA 19013) on December 1, 2009, to operate a dual-fuel fired boiler in the City of Chester, **Delaware County**.

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

**GP5-30-00174C: CNX Gas Co., LLC** (200 Evergreen Drive, Waynesburg, PA 15370) on November 23, 2009, to allow installation of one (1) new 150MM CFD Dehydration unit manufactured by ETI and operation of the unit and the following existing sources: three (3) Caterpillar G3516 LE lean burn engines, each rated at 1,340 bhp and one (1) 15MM CFD Dehydration plant, in Center Township, **Greene County**.

**GP5-63-00941A: Laurel Mountain Midstream Operating, LLC—Robin Hill Gas Plant** (1550 Coraopolis Heights Road, 2nd Floor, Moon Township, PA 15108) on November 24, 2009, the General Permit is being approved for use at this existing facility due to a change of ownership from the former Atlas Pipeline Pennsylvania, LLC in Robinson Township, **Washington County**. Additional changes at this facility include the installation of an enclosed, smokeless flare to control propane gas losses from propane compressor seals.

**GP5-63-00948A: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 25, 2009, for authorization to install and operate a natural gas production facility under GP-5 which included changing the site name from Bedillion Day to Tupta Day and installation of one additional condensate/saltwater storage tank at their Tupta Day Compressor Station in Amwell Township, **Washington County**.

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

**GP-27-038B: Catalyst Energy, Inc.**—Watson Farm Stripping Plant (Route 66, Sheffield, PA 16347) on November 25, 2009, to operate a natural gas fired compressor engines (BAQ-GPA/GP-5) in Howe Township, **Forest County**.

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**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.**

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

**06-05064B: Sunoco Partners Market & Terminal, LP** (525 Fritztown Road, Sinking Spring, PA 19608-1509) on November 19, 2009, to install a vapor recovery unit at their Montello Terminal in Spring Township, **Berks County**.

**06-05066H: Exide Technologies** (P. O. Box 14294, Reading, PA 19612-4294) on November 25, 2009, to replace the afterburner for smelter system No. 1 in Muhlenberg Township, **Berks County**.

**34-05001D: Armstrong Cabinet Products** (R. R. 2, Box 171C, Thompsettown, PA 17094-9735) on November 15, 2009, to modify their wood cabinet surface coating operation in Delaware Township, **Juniata 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.*

**30-00108A: River Processing Corp.** (158 Portal Road, Waynesburg, PA 15370) on November 24, 2009, for a plan approval to allow construction of a coal preparation facility consisting of equipment for transferring, crushing, screening, washing, and stockpiling of coal from the Freeport deep mine, at the RPC Coal Preparation Plant in Jefferson Township, **Greene County**.

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**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.**

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

**15-0039A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19335) on November 23, 2009, to operate an asphalt paving mixtures and blocks in East Caln Township, **Chester County**.

**09-0126C: Air Liquide Electronics US, LP** (19 Steel Road, West, Morrisville, PA 19067) on November 23, 2009, to operate the manufacturing of industrial gases in Falls Township, **Bucks County**.

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

**26-00573A: Johnson Matthey, Inc.** (605 Mountain View Drive, Smithfield, PA 15478) on November 25, 2009, to extend the period of temporary operation of the catalyst production facility covered under plan approval 26-00573A until June 8, 2010, located in Smithfield Borough, **Fayette County**. The plan approval has been extended.

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

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

**22-03063: Chemetron Railway Products, Inc.** (P. O. Box 1037, 1600 Progress Drive, Albertville, AL 35950-0017) on November 23, 2009, for their rail welding operation in Steelton Borough, **Dauphin County**. This is a renewal of the State-only operating permit.

**36-05127: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on November 24, 2009, for their Burkholder Asphalt Plant in East Earl Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**33-00157: National Fuel Gas Supply Corp.—Eldred Compressor Station** (12797 Fisher Road, Eldred Township, PA 15860), on November 23, 2009, re-issued the Natural Minor Permit to operate a natural gas compressor station in Eldred Township, **Jefferson County**. The primary emissions are from the two 150 Hp compressor engines at the facility.

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

**S09-006: Thomas Jefferson University & Hospital** (214 South 11th Street, Philadelphia, PA 19107) on November 24, 2009, for their university facility in the City of Philadelphia, **Philadelphia County**. The synthetic minor facilities emission sources include 13 (thirteen) emergency generators.

**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.*

**46-00032: SPS Technologies, LLC**, (301 Highland Avenue, Jenkintown, PA 19046) on December 1, 2009, a Title V facility located in Abington Township, **Montgomery County**. The Title V Operating Permit was revised to incorporate plan approval 46-0032C for a change from a throughput restriction on volatile organic compounds to an emission restriction on volatile organic compounds for an existing vapor degreaser located on the site. The Title V Permit includes limits on sources for volatile organic compound emissions and includes monitoring and recordkeeping requirements to demonstrate compliance with these applicable permit limits. All revisions to the Title V Operating Permit were made pursuant to 25 Pa. Code § 127.450.

**09-00028: Fibermark North America, Inc.** (45 North 4th Street, Quakertown, PA 18951) on December 1, 2009, for a minor modification of TVOP No. 09-00028 for their facility in Quakertown Borough, **Bucks County**. The minor modification reduces the monitoring and recordkeeping frequency of natural gas usage from weekly to monthly for Source ID 005, Source ID 006, Source ID 007; and daily to monthly for Source ID 102, Source ID 105, Source ID 301, Source ID 302, Source ID 303. The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 09-00028 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

**26-00032: Uniontown Hospital Association:** (500 West Berkeley Street, Uniontown, PA 15401-5514) on November 20, 2009, to update Responsible Official and Contact person and to incorporate the applicable requirements of 40 CFR 63 WWWW for ethylene oxide sterilizers at the Uniontown Hospital in Uniontown City, **Fayette County**.

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

**37-00268: Commercial Asphalt & Supply** (P. O. Box 672, Valencia, PA 16059-2029) on October 24, 2009, issued

an administrative amendment to the Synthetic Minor Operating Permit to incorporate the plan approval conditions from 37-268B in **Lawrence County**.

**43-00270: CCL Container** (1 Llodio Drive, Hermitage, PA 16148-9015), on November 18, 2009, issued an administrative amendment to the Synthetic Minor Operating Permit to incorporate the change of Responsible Official for the permit in **Lawrence County**.

**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.*

**30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in Morris Township, **Washington County** to add surface acreage to install the E22 Bleeder Airshaft and six boreholes. Surface Acres Proposed 15.0. Receiving stream: Unnamed Tributary to Craft Creek, classified for the following use: WWF. Application received: January 29, 2009. Permit issued: November 23, 2009.

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

**03090103 and NPDES Permit No. PA0531631. M & M Lime Company, Inc.** (214 Nichola Road, Worthington, PA 16262). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in West Franklin Township, **Armstrong County**, affecting 8.2 acres. Receiving stream: Buffalo Creek. Application received: April 21, 2009. Permit issued: November 20, 2009.

**03910115 and NPDES Permit No. PA0200174. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit revised to add a road variance for SR-0422 at an existing bituminous surface/auger mining site located in West Franklin Township, **Armstrong County**, affecting 468.8 acres. Receiving streams: Buffalo Creek. Application received: September 23, 2009. Revision issued: November 24, 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, Shippensburg, PA 16254) Renewal of an existing bituminous strip operation in Muddy Creek Township, **Butler County** affecting 38.2 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Cheeseman Run. Application received: September 29, 2009. Permit Issued: November 19, 2009.

**33080108 and NPDES Permit No. PA0258679. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip and auger operation in Porter Township, **Jefferson County** affecting 422.0 acres. Receiving streams: Sugarcamp Run. Application received: October 14, 2008. Permit Issued: November 19, 2009.

**1192-33080108-E-1. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet of Sugarcamp Run and unnamed tributary "C" to Sugarcamp Run in Porter Township, **Jefferson County**. Receiving streams: Sugarcamp Run. Application received: October 14, 2008. Permit Issued: November 19, 2009.

**1192-33080108-E-2. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet of Hamilton Run in Porter Township, **Jefferson County**. Receiving streams: Sugarcamp Run. Application received: October 14, 2008. Permit Issued: November 19, 2009.

**1192-33080108-E-3. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary "C" to Hamilton Run in Porter Township, **Jefferson County**. Receiving streams: Sugarcamp Run. Application received: October 14, 2008. Permit Issued: November 19, 2009.

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

**17080102. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 100.0 acres. Receiving stream(s): unnamed tributaries to/and Banian Run and to/and Muddy Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 28, 2008. Permit issued: November 16, 2009.

#### *Noncoal Permits Actions*

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

**20090802. Leonard G. Austin** (8993 W. Townline Road, Conneaut Lake, PA 16316) Commencement, operation and restoration of a small sand & gravel operation in East Fallowfield Township, **Crawford County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Crooked Creek. Application received: July 22, 2009. Permit Issued: November 23, 2009.

#### **Abandoned Mine Reclamation**

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

Primacy Bond Forfeiture	PBF 54951301.1
Contract Awarded	
Location	Hegins Township Schuylkill County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project R & R Coal Company—Buck Mountain Mine Permit No. 54951301
Contractor	Rausch Creek Land LP 978 Gap Street Valley View, PA 17983-9749
Amount	\$5,000.00
Date of Award	November 23, 2009

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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

#### *Blasting Permits Actions*

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

**02094005. Trumbull Corporation** (1020 Lebanon Road, West Mifflin, PA 15122). Blasting activity permit for construction at the McCandless Crossing, located in McCandless Township, **Allegheny County**. Duration of blasting is expected to be for 3 months. Blasting activity permit issued: November 23, 2009.

**65094010. USA Valley Landfill** (6015 Pleasant Valley Road, Irwin, PA 15642). Blasting activity permit for construction at the Valley Landfill, located in Penn Township, **Westmoreland County**. Duration of blasting is expected to be for 10 months. Blasting activity permit issued: November 23, 2009.

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

**08094111. Meshoppen Blasting, Inc.** (P. O. Box 127, Frantz Road, Meshoppen, PA 18630), blasting for a well located in Albany Township, **Bradford County**. Permit issued: November 24, 2009. Permit expires: December 15, 2009.

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

**36094180. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Briar Rose Greenhouse in East Earl Township, **Lancaster County** with an expiration date of November 30, 2009. Permit issued: November 19, 2009.

**40094117. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for St. John Estates Development in Butler Township, **Luzerne County** with an expiration date of November 10, 2010. Permit issued: November 19, 2009.

**48094111. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for The Hills at Greenock Development in Lehigh Township, **Northampton County** with an expiration date of January 1, 2011. Permit issued: November 19, 2009.

**45094134. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Farms East in Coolbaugh Township, **Monroe County** with an expiration date of November 30, 2010. Permit issued: November 23, 2009.

**45094135. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2010. Permit issued: November 23, 2009.

**13094105. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Lehigh Walmart in Mahoning Township, **Carbon County** with an expiration date of November 20, 2010. Permit issued: November 25, 2009.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E66-146. Department of Transportation Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512. Forkston Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a two-span, pre-stressed concrete PA Bulb T-beam bridge with each span measuring 80 feet with a minimum underclearance of 11 feet over Mehoopany Creek (HQ-CWF). The project is located at SR 0087, Segment 0130, Offset 1502, approximately 600 feet east of the intersection of SR 0087 and SR 3001 (Meshoppen, PA Quadrangle Latitude: N: 41° 32' 01"; Longitude: W: -76° 7' 24").

**E45-547. Lake Naomi Club**, Route 423, P. O. Box T. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a pedestrian bridge having a single span of approximately 102 feet and a minimum underclearance of approximately 10 feet across Upper Tunkhannock Creek (HQ-CWF) and three (3) road crossings in a de minimus area of EV wetlands equal to 0.05 acre for the purpose of constructing a pedestrian walkway. The water obstructions and encroachments were previously authorized by Permit No. E45-461, which expired prior to commencement of construction. The project begins at a point 30 feet upstream of the SR 0423 bridge and includes approximately 2,600 feet of pedestrian walkway along SR 0423, northwest of Lake Naomi (Pocono Pines, PA Quadrangle Latitude: N: 41° 6' 34"; Longitude: W: -75° 28' 27").

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

**E12-175. Ronald R. Tusing**, 445 Sizerville Road, Emporium, PA 15834-3949. Ronald Tusing Carport in Portage Branch-Sinnemahoning Creek Floodway, Shippen Township, **Cameron County**, ACOE Baltimore District (Sinnemahoning, PA Quadrangle Latitude: 41° 30' 46.7"; Longitude: 78° 13' 06.7").

The applicant proposes to construct, operate and maintain a covered, open-sided carport that is located in the 100-year floodway of Portage Branch, Sinnemahoning Creek. Construction of the covered, opened-sided carport

shall be limited to 20-feet by 18-feet with no fill being placed that would diminish flood storage capacity in the Portage Branch floodway. The project is located along the western right-of-way of SR 0155 approximately 2100-miles north of SR 0120 and SR 0155 intersection. This permit was issued under Section 105.13(e) "Small Projects."

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

PA Dot Engineering District 3-0 proposes to completely replace the SR 4007 Section 002 bridge. The existing structure is currently a single span, concrete T-beam bridge, with a skew of 45 degrees. The existing structure has a normal span of 16.5 ft with an underclearance of 8 ft. It will be replaced with a single span pre-stressed concrete box culvert with a 44 degree skew. The proposed structure will have a normal span of 16 ft and an underclearance of 8 ft. The box culvert will be depressed one foot with baffles in accordance with the BD-632M. The bridge replacement will permanently impact 0.04 acre of jurisdictional wetlands. Additionally, a 36 inch pipe will be replaced adjacent to the bridge replacement. Kings Creek is classified as a High Quality-Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards, and is classified as a Wild Trout Stream by the PA Fish and Boat Commission. This permit also includes 401 Water Quality Certification.

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

**E02-1614. Fox Chapel Golf Club**, 426 Fox Chapel Road, Pittsburgh, PA 15238 To construct and maintain surface water intake in Fox Chapel Borough, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle North: 4.7"; West: 0.6", Latitude: 40° 30' 34.4"; Longitude: 79° 52' 59.8"). To construct and maintain a surface water intake on Glade Lake (tributary of Squaw Run, HQ-CWF), four water line/electrical line stream crossings on Glade Run (tributary of Squaw Run, HQ-CWF), one water line stream crossing on Glade Run (tributary of Squaw Run, HQ-CWF), one water line stream crossing on an unnamed tributary of Glade Run (unnamed tributary of Squaw Run, HQ-CWF), pipeline and sprinkler heads within the floodway of 4612.5LF of Glade Run (Tributary of Squaw Run, HQ-CWF), pipeline and sprinkler heads within the floodway of 450LF of an unnamed tributary of Glade Run (unnamed tributary of Squaw Run, HQ-CWF), pipeline and sprinkler heads within the floodway of 425LF of another unnamed tributary of Glade Run (unnamed tributary of Squaw Run, HQ-CWF), and the removal of an existing intake within Glade Lake all for the purpose of installing a golf course irrigation system.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA1009-014. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in

Muddy Creek Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes the backfilling of a 3,300 linear foot dangerous highwall. The project will include the elimination of a 1.59 acre nonjurisdictional open waterbody and 0.14 acre PEM wetland that have developed within the open surface mine pit. 0.2 acre of replacement wetland will be constructed with the project (Prospect Quadrangle N: 9.5 inches; W: 16.5 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 and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

11/9/09

ESCGP-1 No.: ESX09-125-0055

Applicant Name: Chesapeake Appalachia, LLC

Contact Person: Tal Oden

Address: P. O. Box 18496

City: Oklahoma City State: MI Zip Code: 73154-0496

County: Washington Township(s): Hanover

Receiving Stream(s) and Classifications: Unnamed Tributaries (WWF) to Harmon Creek (WWF) to W Virginia (WWF) to Raccoon Creek (WWF) to Ohio River (WWF), Other

11/9/09

ESCGP-1 No.: ESX09-125-0059

Applicant Name: Chesapeake Appalachia, LLC

Contact Person: Tal Oden

Address: P. O. Box 18496

City: Oklahoma City State: MI Zip Code: 73154-0496

County: Washington Township(s): Hanover

Receiving Stream(s) and Classifications: Unnamed Tributaries (WWF) to Raccoon Creek (WWF) to Ohio River (WWF), other



11/24/09  
 ESCGP-1 No.: ESX09-125-0054  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Blvd, Ste 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Hopewell  
 Receiving Stream(s) and Classifications: UNT to Brush Run, HQ

11/24/09  
 ESCGP-1 No.: ESX09-125-0003 Amendment  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Blvd, Ste 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Cecil  
 Receiving Stream(s) and Classifications: Brush Creek, other

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-1 #ESX09-123-0001  
 Applicant: Sheffield Land & Timber  
 Contact: Richard Cochran  
 Address: P. O. Box 54  
 Sheffield, PA 16347  
 County: Warren Township(s): Watson  
 Receiving Stream(s) and Classification(s): Tom Run HQ; West Branch Tionesta Creek HQ

ESCGP-1 #ESX09-065-0004  
 Applicant: Exco—North Coast Energy Inc.  
 Contact: Joel Heiser  
 Address: 1 GOJO Plaza, Ste 325  
 Akron, OH 44311-1057  
 County: Jefferson Township(s): Pine Creek  
 Receiving Stream(s) and Classification(s): Five Mile Run CWF; UNT to O'Donnell Run CWF

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of November 2009 the Department of Environmental Protection, under the Radon Certification Act, (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Chad Albright	3810 Broad Avenue Altoona, PA 16601	Mitigation
Robert Anderson	282 Longstreet Drive Gettysburg, PA 17325	Mitigation
Keith Carpenter	124 Old Colony Drive Johnstown, PA 15904	Mitigation
Kent Christel	P. O. Box 651 Reading, PA 19607	Testing
Mark Droege	238 Pheasant Drive Columbia, PA 17512	Testing
Kimberly Fonos	1216 Edgewood Drive West Homestead, PA 15120	Testing
Gregory Gibson	P. O. Box 733 Tannersville, PA 18372	Mitigation
Tracey Gillespie	1820 Linglestown Road Harrisburg, PA 17110	Testing
Steven Gorman	282 Longstreet Drive Gettysburg, PA 17325	Testing
Joseph Hagarty	1315 Woodland Road West Chester, PA 19382	Testing
Catherine Hall	1195 Easton Road #6 Glenside, PA 19038	Testing
Donald Hart	613 Zimmermans Hollow Road Sunbury, PA 17801	Testing & Mitigation
Bo Hopkins	3692 Sheramy Drive Fairview, PA 16415	Testing
Greg Kopenhaver	P. O. Box 902 Blue Bell, PA 19422	Testing
Juan L. Lluna-Garces	1324 Crestmont Drive Downingtown, PA 19335	Testing & Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Rob Lunny Radon Protection Systems	2370 York Road A9-C Jamison, PA 18929	Mitigation
Mason Dixon Home Inspection Services, Inc.	282 Longstreet Drive Gettysburg, PA 17325	Testing
Anthony Milone	351 W. Schuylkill Road Suite 10-441 Pottstown, PA 19465	Mitigation
Thomas Murphy	1323 Loblolly Street Trevose, PA 19053	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Testing
James Painter	780 Pierson Run Road Pittsburgh, PA 15234	Testing
Joseph Petrovich	466 West County Road Sugarloaf, PA 18249	Testing
Jook Ro	30 Sunset Drive Carlisle, PA 17013	Mitigation
Thomas Sebald	4638 Highview Boulevard Erie, PA 16509	Testing
Thomas Troutman	41 Beard Road Mechanicsburg, PA 17050	Testing
Malcolm Whipkey	1934 Overland Court Allison Park, PA 15101	Testing

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

Under the Environmental Good Samaritan Act (27 Pa.C.S.A. §§ 8001—8114), notice is hereby given that the Shoup's Run Watershed Association (SRWA) has submitted a proposal EGS No. 31001 to the Department of Environmental Protection (Department) for the Garden Road Acid Mine Drainage Treatment System Project located on SRWA's property along Township Road T-553 in Carbon Township, Huntingdon County. A copy of the proposal is on file for public review at the Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119 between 9 a.m. and 4 p.m. Written comments or objections may be submitted to the Department within 30 days of this publication. The comment must include the person's name, address, telephone number.

#### CATEGORICAL EXCLUSION

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

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
City of Allentown	641 South Tenth Street Allentown, PA 18103-3173	City of Allentown	Lehigh

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The City of Allentown proposes to replace a carbon steel floating cover on its existing Number 2 anaerobic digester located at the city's Kline's Island Wastewater Treatment Facility. The project is being undertaken since the existing cover has reached the end of its useful design life and has failed. The affected digester has been taken out of service until the floating cover can be replaced. The proposed project will provide for the safe and efficient storage and utilization of biogas generated through the anaerobic digestion of wastewater biosolids. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Lower Lackawanna Valley Sanitary Authority	P. O. Box 2067 Duryea, PA 18642-2067	Old Forge Borough	Lackawanna

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Lower Lackawanna Valley Sanitary Authority proposes to eliminate three (3) of its permitted combined sewer overflow (CSO) structures, No 17, 18 and 24. The project also proposes the construction of one new CSO structure that will provide wastewater treatment and disinfection prior to discharge to its receiving watercourse. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Lower Lackawanna Valley Sanitary Authority	P. O. Box 2067 Duryea, PA 18642-2067	Avoca Borough	Luzerne

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Lower Lackawanna Valley Sanitary Authority proposes to eliminate one (1) of its permitted combined sewer overflow (CSO) structures, No 28 through the implementation of a combined sewer separation construction project. The project will affect the west side of Main Street on Hawthorne Street, the 700 and 800 block, as well as a conveyance line passing through the former Kerr-McGee Corporation property and a section of McLean Street north from Hawthorne Street. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

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

*Location:* Emsworth Borough, 171 Center Avenue, Emsworth, PA 15202, East Emsworth Borough, Allegheny County.

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to replace the existing Route 65 Pump Station and existing sewers in an along paved streets to eliminate wet weather overflows.

The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 09-2284. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Bid Opportunity**

**OSM 16(1049)101.1, Abandoned Mine Reclamation Project, Millerstown Northwest, Washington and Elk Townships, Clarion County.** The principal items of work and approximate quantities include mobilization and demobilization; 383,840 cubic yards of grading; 40.2 acres of seeding; 1,890 ton of alkaline addition; 450 linear feet of permanent swale; and 850 linear feet of rock underdrain. This project issues on December 11, 2009, and bids will be opened on January 12, 2010, 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. 09-2285. Filed for public inspection December 11, 2009, 9:00 a.m.]

HCAs and HCRs, as defined in the regulations, must now be licensed by the Department of Health (Department) to provide home care services to individuals in their homes or other independent living environments.

Home care services include:

- Assistance with self-administered medications
- Personal care such as assistance with personal hygiene, dressing and feeding
- Homemaking such as assistance with household tasks housekeeping, shopping, meal planning and preparation and transportation
- Companionship
- Respite care such as assistance and support provided to the family
- Other non-skilled services

An entity that is currently operating a HCA or HCR, or both, may continue to operate provided it submits an application for a license to the Department no later than February 10, 2010. An entity that is currently operating a HCA or HCR that has submitted an application for licensure may continue to operate until such date as the Department may refuse the application for licensure. If the Department grants the application for licensure, the home care agency and/or home care registry may continue to operate in accordance with the requirements of the regulations at 28 Pa. Code Chapter 611.

An entity that is established after the effective date of the regulations must obtain a license prior to providing home care services.

Application packets may be obtained by contacting the Division of Home Health at (717) 783-1379 and supplying a mailing address, and the Division will mail the packet to the address supplied. Alternatively, application packets may be obtained electronically. The applicant should go to <http://www.health.state.pa.us> and click on the left side

**DEPARTMENT OF HEALTH**

**Information Applicable to Licensure Under 28 Pa. Code Chapter 611, Home Care Agencies and Home Care Registries**

The regulations governing licensure for home care agencies (HCAs) and home care registries (HCRs) effective December 12, 2009, is published at 39 Pa.B. 6958 (December 12, 2009).

navigation bar titled "Facilities, Providers & Managed Care Plans" then click the navigation bar titled "Home Care Licensure Information."

The Department's web site contains additional information and links that may be helpful to the applicant. The Department's web site contains a document addressing Frequently Asked Questions which may be accessed at <http://www.health.state.pa.us> by clicking on the left side navigation bar titled "Facilities, Providers & Managed Care Plans" then clicking on the navigation bar titled "Home Care Agencies/Home Care Registries" which contains a document link for "Frequently Asked Questions about Home Care Agencies/Home Care Registries." The applicant can also contact the Department for a copy of the document which will be included in the application packet.

To access information pertaining to criminal background checks, go to <http://www.aging.state.pa.us>, or contact the Department of Aging, Criminal History Background Check Unit at (717) 265-7887. To access information pertaining to child abuse clearances, go to [www.dpw.state.pa.us](http://www.dpw.state.pa.us), or contact the Department of Public Welfare, ChildLine at (717) 783-6211.

Persons with questions or who would like more information regarding home care agencies, home care registries, and/or the HCA/HCR licensure program, contact the Division of Home Health at (717) 783-1379.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Janice Staloski, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

*(Editorial Note: For a rulemaking relating to this notice, see 39 Pa.B. 6958 (December 12, 2009).)*

[Pa.B. Doc. No. 09-2286. Filed for public inspection December 11, 2009, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Orangeville Nursing and Rehabilitation Center  
200 Berwick Road  
Orangeville, PA 17859  
FAC ID 379502

This request is 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](mailto: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 wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2287. Filed for public inspection December 11, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Department of Revenue (Department) is required to publish notice of the annual inflation adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

Section 1403(c) of 4 Pa.C.S. requires the Department to utilize the most recent consumer price index effective immediately prior to the date the adjustment is due to take effect. This adjustment will be published by the United States Department of Labor, Bureau of Labor Statistics in January 2010. Thereafter, the Department will publish an additional notice of the annual inflation adjustment.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2288. Filed for public inspection December 11, 2009, 9:00 a.m.]

### Pennsylvania Extreme Green 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 Extreme Green.

2. *Price:* The price of a Pennsylvania Extreme Green instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Extreme Green instant lottery game ticket will contain one play area featuring an "EXTREME NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "EXTREME NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN).

28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Extreme symbol (EXTREME), \$\$ symbol (DBL\$) and 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Extreme Green instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

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

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Extreme symbol (EXTREME), and a prize symbol of \$500 (FIV HUN) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Extreme symbol (EXTREME), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Extreme symbol (EXTREME), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in fifteen of the "Prize" areas, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Extreme symbol (EXTREME), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "Prize" areas, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Extreme symbol (EXTREME), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME

NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "EXTREME NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

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>When Any Of Your Numbers Match Any Of The Extreme Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets:</i>
\$10 × 2	\$20	20	240,000
\$10 w/\$\$	\$20	20	240,000
\$20	\$20	20	240,000
\$10 × 4	\$40	60	80,000
\$20 × 2	\$40	120	40,000
\$20 w/\$\$	\$40	60	80,000
\$40	\$40	24	200,000
\$10 × 5	\$50	120	40,000
(\$10 × 3) + \$20	\$50	120	40,000
(\$20 w/\$\$) + \$10	\$50	200	24,000
\$50	\$50	85.71	56,000
\$10 × 10	\$100	150	32,000
\$10 w/10X	\$100	150	32,000
\$20 × 5	\$100	150	32,000
\$50 w/\$\$	\$100	150	32,000
\$100	\$100	150	32,000
\$10 × 20	\$200	2,400	2,000
EXTREME w/(\$10 × 20)	\$200	2,400	2,000
\$20 w/10X	\$200	2,400	2,000
\$20 × 10	\$200	2,400	2,000
\$50 × 4	\$200	2,400	2,000
\$100 w/\$\$	\$200	2,400	2,000
\$200	\$200	2,182	2,200
EXTREME w/(\$10 × 10) + (\$40 × 10)	\$500	8,000	600
(\$20 × 15) + (\$40 × 5)	\$500	8,000	600
EXTREME w/(\$20 × 15) + (\$40 × 5)	\$500	8,000	600
\$50 w/10X	\$500	8,000	600
\$50 × 10	\$500	8,000	600
\$100 × 5	\$500	8,000	600
\$500	\$500	8,000	600
EXTREME w/(\$50 × 20)	\$1,000	9,231	520
\$50 × 20	\$1,000	9,231	520
\$100 w/10X	\$1,000	9,231	520
\$100 × 10	\$1,000	9,231	520
\$500 w/\$\$	\$1,000	9,231	520
\$500 × 2	\$1,000	9,231	520

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

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets:
\$1,000	9,231	520
EXTREME w/(\$500 × 20)	120,000	40
\$1,000 w/10X	120,000	40
\$1,000 × 10	120,000	40
\$10,000	120,000	40
\$100,000	960,000	5
\$1,000,000	960,000	5

Get a “\$\$\$” (DBL\$) symbol, win double the prize under that symbol.  
 Get a “10X” (10TIMES) symbol, win 10 times the prize under that symbol.  
 Get an “EXTREME” (EXTREME) symbol, win all 20 prizes shown.

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 Extreme Green 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 Extreme Green, prize money from winning Pennsylvania Extreme Green 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 Extreme Green 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 Extreme Green or through normal communications methods.

STEPHEN H. STETLER,  
 Secretary

[Pa.B. Doc. No. 09-2289. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Pennsylvania Queen of Hearts 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 Queen of Hearts.

2. *Price:* The price of a Pennsylvania Queen of Hearts instant lottery game ticket is \$2.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania Queen of Hearts instant lottery game ticket will contain three play areas known as

“Queen’s High,” “We Three Queens” and “Queen Me” respectively. Each game has a different game play method and is played separately.

(b) The play area for “Queen’s High” will consist of “HAND 1,” “HAND 2,” “HAND 3,” “HAND 4,” “HAND 5” and “HAND 6.” Each “HAND” is played separately. Each “HAND” features a “YOUR” card area and a “DEALER” card area. The card play symbols printed in black ink and located in the “YOUR” card area are: 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), King of Spades (KGS), Ace of Spades (ACS), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), King of Clubs (KGC) and Ace of Clubs (ACC). The card play symbols printed in red ink and located in the “YOUR” card area are: 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), Ace of Diamonds (ACD), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH), Queen of Hearts (RQN), King of Hearts (KQH) and Ace of Hearts (ACH). The card play symbols printed in black ink and located in the “DEALER” card area are: 2 of Spades (TWS), 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), King of Spades (KGS), 2 of Clubs (TWC), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC) and King of Clubs (KGC). The card play symbols printed in red ink and located in the “DEALER” card area are: 2 of Diamonds (TWD), 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH) and King of Hearts (KQH). Cards are ranked in value from high to low: A, K, J, 10, 9, 8, 7, 6, 5, 4, 3, 2.

(c) The card play symbols and their captions printed in red ink and located in the play area for “We Three Queens” are: 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of

Hearts (TNH), Jack of Hearts (JKH), Queen of Hearts (RQN), King of Hearts (KGH) and Ace of Hearts (ACH).

(d) The prize play symbols and play symbols and their captions located in the play area for "Queen Me" are: \$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), \$15.<sup>00</sup> (FIFTN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), NO PRIZE (TRY AGAIN) and TRY AGAIN (NO PRIZE).

#### 4. Prize Symbols:

(a) The play area for "Queen's High" will contain six "PRIZE" areas, one in each "HAND." The prize symbols and their captions located in the six "PRIZE" areas for "Queen's High" 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), \$15.<sup>00</sup> (FIFTN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and \$14,000 (FORTNTHO).

(b) The play area for "We Three Queens" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "We Three Queens" 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), \$15.<sup>00</sup> (FIFTN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and \$14,000 (FORTNTHO).

5. Prizes: The prizes that can be won in "Queen's High" are: \$1, \$2, \$3, \$5, \$9, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$1,000 and \$14,000. The prizes that can be won in "We Three Queens" are: \$1, \$2, \$3, \$5, \$9, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$1,000 and \$14,000. The prizes that can be won in the "Queen Me" are: \$2, \$3, \$5, \$9, \$10, \$15, \$20, \$30, \$50, \$100 and \$300. The player can win up to 8 times on a ticket.

6. Approximate Number of Tickets Printed For the Game: Approximately 5,400,000 tickets will be printed for the Pennsylvania Queen of Hearts instant lottery game.

#### 7. Determination of Prize Winners:

(a) Determination of prize winners for "Queen's High" are:

(1) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$14,000 (FORTNTHO) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$14,000.

(2) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," 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.

(3) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$300 (THR HUN) appears in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$900.

(4) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$300 (THR HUN) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$300.

(5) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$300.

(6) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "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 \$100.

(7) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "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 \$50.

(8) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$30.

(9) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$30.

(10) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "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 \$20.

(11) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$15.<sup>00</sup> (FIFTN) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$15.

(12) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$15.

(13) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "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 \$10.

(14) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$9.<sup>00</sup> (NIN DOL) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$9.

(15) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$9.

(16) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears



in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$6.

(17) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "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 \$5.

(18) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$3.

(19) Holders of tickets with a Queen of Hearts (RQN) card play symbol with the symbol and caption printed in red ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that Queen of Hearts (RQN) card play symbol in the same "HAND," on a single ticket, shall be entitled to a prize of \$3.

(20) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2.

(21) Holders of tickets where the "YOUR" card play symbol is greater than the "DEALER'S" card play symbol in the same "HAND," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1.

(b) Determination of prize winners for "We Three Queens" are:

(1) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal, and a prize symbol of \$14,000 (FORTNTHO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$14,000.

(2) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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 Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal, and a prize symbol of \$300 (THR HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$300.

(4) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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 Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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 Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal,

and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$30.

(7) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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.

(8) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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 Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal, and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$9.

(11) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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.

(12) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$3.

(13) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink 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.

(14) Holders of tickets with three matching Queen of Hearts (RQN) symbols with each symbol and caption printed in red ink in the same row, column or diagonal, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1.

(c) Determination of prize winners for "Queen Me" are:

(1) Holders of tickets with a prize play symbol of \$300 (THR HUN) in the "Queen Me" play area, on a single ticket, shall be entitled to a prize of \$300.

(2) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Queen Me" play 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 "Queen Me" play area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a prize play symbol of \$30<sup>00</sup> (THIRTY) in the "Queen Me" play area, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets with a prize play symbol of \$20<sup>.00</sup> (TWENTY) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with a prize play symbol of \$15<sup>.00</sup> (FIFTEEN) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets with a prize play symbol of \$10<sup>.00</sup> (TEN DOL) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a prize play symbol of \$9<sup>.00</sup> (NINE DOL) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$9.

(9) Holders of tickets with a prize play symbol of \$5<sup>.00</sup> (FIVE DOL) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets with a prize play symbol of \$3<sup>.00</sup> (THREE DOL) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$3.

(11) Holders of tickets with a prize play symbol of \$2<sup>.00</sup> (TWO DOL) in the “Queen Me” play area, on a single ticket, shall be entitled to a prize of \$2.

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>Queen Me</i>	<i>Queen’s High</i>	<i>We Three Queens</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$2			\$2	25	216,000
	\$2		\$2	25	216,000
		\$2	\$2	25	216,000
\$3			\$3	150	36,000
	\$3		\$3	150	36,000
		\$3	\$3	150	36,000
\$2	\$1		\$3	150	36,000
	\$2	\$1	\$3	150	36,000
\$2		\$1	\$3	150	36,000
	\$1 x 3		\$3	500	10,800
	\$1 w/QUEEN		\$3	150	36,000
\$5			\$5	300	18,000
	\$5		\$5	300	18,000
		\$5	\$5	300	18,000
\$2	\$1 x 3		\$5	150	36,000
	\$1 x 3	\$2	\$5	150	36,000
\$2	\$1 w/QUEEN		\$5	150	36,000
\$2	\$1	\$2	\$5	150	36,000
\$9			\$9	375	14,400
	\$9		\$9	375	14,400
		\$9	\$9	375	14,400
\$3	\$3	\$3	\$9	375	14,400
	\$2 x 3	\$3	\$9	375	14,400
	\$3 w/QUEEN		\$9	375	14,400
\$10			\$10	300	18,000
	\$10		\$10	300	18,000
		\$10	\$10	300	18,000
\$2	\$1 x 6	\$2	\$10	300	18,000
\$2	\$2 w/QUEEN	\$2	\$10	300	18,000
\$15			\$15	1,500	3,600
	\$15		\$15	1,500	3,600
		\$15	\$15	1,500	3,600
	\$3 x 5		\$15	1,500	3,600
	\$5 w/QUEEN		\$15	1,500	3,600
\$5	\$5	\$5	\$15	500	10,800
\$20			\$20	1,500	3,600
	\$20		\$20	1,500	3,600
		\$20	\$20	1,500	3,600
	\$5 x 3	\$5	\$20	1,500	3,600
\$5	\$5 w/QUEEN		\$20	1,500	3,600
\$30			\$30	3,000	1,800
	\$30		\$30	3,000	1,800
		\$30	\$30	3,000	1,800
\$10	\$10	\$10	\$30	3,000	1,800
\$15		\$15	\$30	3,000	1,800
\$5	\$5 x 3	\$10	\$30	3,000	1,800
	\$5 w/QUEEN	\$15	\$30	3,000	1,800
\$3	\$9 x 3		\$30	3,000	1,800
\$9	\$3 x 6	\$3	\$30	3,000	1,800
	\$5 x 6		\$30	2,857	1,890

<i>Queen Me</i>	<i>Queen's High</i>	<i>We Three Queens</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$50			\$50	8,000	675
	\$50		\$50	8,000	675
		\$50	\$50	8,000	675
\$10	\$20	\$20	\$50	8,000	675
\$5	\$15 × 2	\$15	\$50	8,000	675
\$10	\$10 × 3	\$10	\$50	8,000	675
\$10	\$5 × 6	\$10	\$50	8,000	675
\$10	\$10 w/QUEEN	\$10	\$50	8,000	675
\$20	\$15	\$15	\$50	8,000	675
\$20	\$20	\$10	\$50	8,000	675
\$100			\$100	15,000	360
	\$100		\$100	15,000	360
		\$100	\$100	15,000	360
\$10	\$30 × 3		\$100	15,000	360
	\$30 × 3	\$10	\$100	15,000	360
\$20	\$10 × 6	\$20	\$100	15,000	360
\$5	\$15 × 6	\$5	\$100	12,000	450
\$300			\$300	120,000	45
	\$300		\$300	120,000	45
		\$300	\$300	120,000	45
	\$100 × 3		\$300	120,000	45
	\$100 w/QUEEN		\$300	120,000	45
	\$1,000		\$1,000	1,080,000	5
		\$1,000	\$1,000	1,080,000	5
\$100	\$300 × 3		\$1,000	1,080,000	5
	\$300 w/QUEEN	\$100	\$1,000	1,080,000	5
	\$14,000		\$14,000	1,080,000	5
		\$14,000	\$14,000	1,080,000	5

**Queen's High**—If YOUR card beats the DEALER'S card in the same HAND, win prize for that HAND. Reveal a red "Queen of Hearts" Queen of Hearts (RQN) symbol and win triple the prize shown for that hand. Note: Only the highest prize won for each HAND will be paid.

**We Three Queens**—Get three red "Queen of Hearts" Queen of Hearts (RQN) symbols in any row, column or diagonal, win prize shown in the PRIZE box.

**Queen Me**—Reveal a prize amount from \$2 to \$300 to win that prize.

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 Queen of Hearts 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 Queen of Hearts, prize money from winning Pennsylvania Queen of Hearts 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 Queen of Hearts 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 Queen of Hearts or through normal communications methods.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2290. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Rates of Tax on Aviation Gasoline and Jet Fuel for 2010; Oil Company Franchise Tax Rate for 2010; Alternative Fuels Tax Rates for 2010**

**Aviation Gasoline and Jet Fuels**

*Aviation Gasoline Rate for 2010*

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2010 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines decreases to the new rate of 5.4¢<sup>1</sup> per gallon or fractional part thereof.

<sup>1</sup>The rate of 5.4¢ per gallon consists of the 1.5¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1), and the 3.9¢ per gallon additional

*Jet Fuel Rate for 2010*

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2010 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines decreases to the new rate of 1.6¢ per gallon or fractional part thereof.

*Calculating the 2010 Aviation Gasoline and Jet Fuel Rates*

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the U.S. Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On November 1, 2009, the most recently available 12-month period was September 2008 to September 2009, as reported in Bureau of Labor Statistics, U.S. Department of Labor, Producer Price Indexes, September 2009, USDL 09-1269, released October 20, 2009, for which the percentage change was (-)43.9%. Accordingly, the aviation gasoline tax rate decreases from the 2009 rate of 5.8¢ per gallon to the new 2010 rate of 5.4¢ per gallon; the jet fuel tax rate also decreases from the 2009 rate of 2.0¢ per gallon to the new 2010 rate of 1.6¢ per gallon.

**Oil Company Franchise Tax***Oil Company Franchise Tax Rate for 2010*

The Secretary announces that for the calendar year 2010 the rate of the oil company franchise tax remains at the current rate of 19.2¢ per gallon on all liquid fuels and 26.1¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions).

*Calculating the 2010 Oil Company Franchise Tax Rate*

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a "cents per gallon equivalent basis," which is defined by 75 Pa.C.S. § 9002 (relating to definitions) as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of

tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Average wholesale price" as used previously is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2009, the Department has determined that the average wholesale price of liquid fuels and fuels was \$1.72 per gallon, which exceeds the statutory maximum of \$1.25; therefore, an average wholesale price of \$1.25 is used to compute the tax rate for 2010.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	<u>00.0</u>	<u>55.0</u>
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	× <u>\$1.25</u>	× <u>\$1.25</u>
Product:	19.188¢	26.063¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	19.2¢	26.1¢

*Collection of Oil Company Franchise Tax*

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as computed above is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2010, the combined rate of tax for liquid fuels (primarily gasoline) is 31.2¢ per gallon and for fuels (primarily undyed diesel fuel) is 38.1¢ per gallon.

**Alternative Fuels Tax Rates for 2010**

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 "gallon-equivalent-basis" is defined as the "amount of any alternative fuel as determined by the Department to contain 114,500 BTUs." The amount determined on a "gallon-equivalent-basis" for each alternative fuel is subject to the liquid fuels and oil company franchise taxes currently imposed on one gallon of gasoline. The rate of tax on one gallon of gasoline during the period of this notice is 12.0¢ for the liquid fuels tax and 19.2¢ for the oil company franchise tax for a total tax of 31.2¢ per gallon of gasoline.

The Secretary announces that the 2010 tax rates for alternative fuels are as follows:

<i>Alternative Fuel</i>	<i>Rate of Conversion (BTU/gal of alternative fuel)</i>	<i>Amount Equivalent to One Gallon of Gasoline @ 114,500 BTU per gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,400	1.499	\$.208
Methanol	56,560	2.024	\$.154
Propane/LPG	83,500	1.371	\$.228
E-85	80,460	1.423	\$.219
M-85	65,350	1.752	\$.178
Compressed Natural Gas (CNG)	29,000 @ 3,000 PSI	3.948	\$.079
Liquefied Natural Gas (LNG)	66,640	1.718	\$.182
Electricity	3,412 Btu/KWH	33.558 KWH	\$.0093/KWH

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2291. Filed for public inspection December 11, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Armstrong County

Under section 2002(b) of The Administration Code of 1929 (71 P.S. § 575(b)), the Director of the Bureau of Design as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the Cochran's Mills Bridge which carries SR 2025 over Crooked Creek in Burrell Township, Armstrong County. Therefore, this project will require the use of the Cochran's Mills Bridge which is eligible for the National Register of Historic Places, qualifying as a section 4(f) and section 2002 resource.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the

Level-2 CEE and the "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the use of Historic Bridges."

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,  
*Director  
Bureau of Design*

[Pa.B. Doc. No. 09-2292. Filed for public inspection December 11, 2009, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program (HEMAP); Interest Rate for HEMAP Loans Closed in 2010

Under section 406-C of the Housing Finance Agency Law (35 P.S. § 1680.406c) the House Finance Agency (Agency) is to determine prior to the end of each calendar year, the rate of interest for HEMAP loans closed in the next calendar year, which rate is not to exceed the rate of interest established by the Department of Banking under section 301 of the act of January 30, 1974 (P.L. 13, No. 6), referred to as the Loan Interest and Protection Law, and referred to commonly as the "Usury Law."

The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2010 shall be 5.25%.

This Notice shall take effect immediately.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 09-2293. Filed for public inspection December 11, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 19, 2009, and announced the following:

*Action Taken—Regulation Disapproved:*

State Board of Funeral Directors #16A-4816: Preneed Activities of Unlicensed Employee (adds Section 13.206a to 49 Pa. Code)

**Disapproval Order**

Public Meeting held  
November 19, 2009

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

*State Board of Funeral Directors—Preneed Activities of Unlicensed Employee; Regulation No. 16A-4816 (#2639)*

On September 19, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking adds Section 13.206a to 49 Pa. Code. The proposed regulation was published in the September 29, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 6, 2009.

The regulation sets forth procedures and requirements for the utilization of unlicensed employees by funeral directors and funeral entities. Permissible activities for unlicensed employees would include furnishing customers with general price lists and printed materials, and communicating with customers in ways “not otherwise prohibited by the act or this chapter.” Prohibited activities are divided into seven areas. Unlicensed employees would not be allowed to communicate with customers about the “actual selection” of services or merchandise, or payment arrangements. They also may not represent more than one funeral business at a time.

This rulemaking is the Board’s response to two court decisions. First, the Pennsylvania Commonwealth Court in *Ferguson v. State Bd. of Funeral Directors*, 768 A.2d 393 (2001) (*Ferguson*) upheld the Board’s interpretation of the state Funeral Director Law as prohibiting unlicensed individuals from helping customers select and purchase preneed contracts. Subsequently, the Federal court in *Walker v. Flitton*, 364 F.Supp.2d 503 (USDC, MD Pa. 2005) (*Walker*) also accepted Commonwealth Court’s interpretation that state law prohibited unlicensed individuals from selling or executing preneed funeral contracts. However, the court held that the Board’s actions to enforce the state statute infringed upon the commercial free speech rights of unlicensed employees of funeral businesses. A key distinction between the two cases was that the *Walker* plaintiffs were employees whose activities were supervised by the licensed funeral director. Accordingly, such activities can include the following:

- Interacting with consumers,
- Disseminating accurate price information, and
- Discussing preneed plans with consumers so long under the auspices, employment, direction, and control of a licensed funeral director.

364 F.Supp.2d at 526—527. The *Walker* court also cited the lack of clarifying regulations as a significant issue to be addressed by the Board.

During our review of this regulation, we received many letters from licensed funeral directors and other affected parties. Members of the General Assembly submitted letters expressing support for or opposition to the regulation as well as remaining concerns.

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

that form the basis for our vote to disapprove and provide the Board with an opportunity to clarify and improve the regulation.

***Need for the regulation, Fiscal impact, Compliance with the provisions of the Act or the regulations of the Commission (71 P. S. § 745.5b(b)(1), (3)(iii) and (6))***

As a part of its response to our action, the Board should review page five of our comments dated November 28, 2007, on the proposed regulation. In our comments, we asked the Board to respond to the guidance provided by *Walker* that prohibitions on commercial speech should be “narrowly tailored” to achieve a governmental interest or purpose. See 364 F.Supp.2d at 525-526. We also stated that the Board should explain how each provision is “deemed necessary or proper to safeguard the interests of the public and the standards of the profession” pursuant to Section 16(a) of the Funeral Director Law (63 P. S. § 479.16(a)) (Law). The Board replied with a reiteration of the Law. This was insufficient. The Federal court asked the Board to clarify the Law not repeat it. Both *Ferguson* and *Walker* indicated there was no record of consumer complaints or harm related to the activities of unlicensed individuals. See 768 A.2d at 393 (note 5) and 364 F.Supp.2d at 511—513. Despite this lack of a record, a need and purpose for the regulation must still be identified. To properly respond to the court in *Walker* and the criteria of our Act, the Board needs to identify and thoroughly explain the need or harm to be resolved by each provision. The harm must be real rather than “speculative.” See 364 F.Supp.2d at 521. This work will assist the Board in developing clear, fair and reasonable provisions that are the basis of an effective regulation.

A similar concern is the lack of a substantive response to requests for fiscal impact estimates by the House Professional Licensure Committee in its letter dated November 14, 2007, and this Commission in its comments on the proposed regulation. The Board needs to provide a detailed fiscal impact analysis of the regulation.

***Statutory authority, Legislative intent, Pertinent opinions of courts; Reasonableness; Clarity (71 P. S. §§ 745.5b(a) and (b)(3)(ii) and (iv))***

We acknowledge that the Board is confronted by a difficult quandary. On the one hand, there is the Law and on the other, there is the *Walker* decision and the First Amendment of the United States Constitution. The rules of statutory construction at 1 Pa.C.S. § 1922(3) require the presumption that a statute was not intended to violate the Constitution of the United States or of this Commonwealth. Therefore, any interpretation of a statute must be balanced with the rights established under the First Amendment. This was the task set for the Board by the court in *Walker*.

At our public meeting, the Board’s counsel indicated that it was the Board’s intent to allow unlicensed employees to go beyond just handing out general price lists and printed materials. Their actions could include discussing or answering questions about prices for various services or combinations of services, selling funeral merchandise, handing out samples of unsigned contracts, and arranging alternative forms of payment, especially if they are licensed insurance producers. However, the final-form regulation does not reflect the Board’s intent.

The Board needs to memorialize its intent and fully develop and clarify the list of permissible actions in the final-form regulation. We urge Board members to meet with affected parties to discuss regulatory language that

will address the commercial free speech concerns raised by *Walker* while maintaining the central role of licensed funeral directors as envisioned in the Law.

In the final-form regulation, the Board requires the use of a disclosure form as suggested by commentators, including this Commission, in our comments on the proposed rulemaking. However, the form serves little to no purpose if there are severe limits on unlicensed employees. The purpose is to inform the consumer of the unlicensed status of an employee and of the accessibility and responsibility of the licensed funeral director. The provisions for this form in Section 13.206a(a)(5) should be revised to clarify the role of the unlicensed employees in assisting consumers; notify consumers that they have a right to contact or meet with licensed funeral directors; provide direct contact information for the supervising funeral directors; and state that a licensed funeral director is responsible for and must review, approve and sign agreements and contracts. The Board could also require that the form include contact information for consumer complaints to it or the Bureau of Professional and Occupational Affairs, and thereby develop a record of any problems or concerns.

In the case of licensed insurance producers, the regulation should make it clear that licensed insurance producers employed by funeral entities or directors are not restrained in their work as insurance producers. The regulation should avoid interfering with any compensation or commissions received as legitimate payments for work by insurance producers who are also licensed funeral directors or work for funeral entities or directors. As noted in *Ferguson*, nothing in the state court's ruling prevents insurance licensees from selling policies to cover preneed expenses. See *Ferguson*, 768 A.2d 402 (note 14). Section 13.206a(d) is another area in need of additional clarification. Again, the need and purpose of the new language is unclear. Placing requirements on insurance producers may also be beyond the Board's authority. The last sentence of the subsection may cause unnecessary

confusion in situations when the supervising funeral director is also a licensed insurance producer.

We support the Board's decision to allow a telephone call, email, fax or postal service delivery to substitute for a "face-to-face meeting" between the customer and funeral director. To further clarify this provision, the definition of "direct personal contact" in Section 13.206a(e) should be amended to include other paper delivery options beyond "postal service mail" including private delivery services (e.g., Federal Express) or hand-delivery by an unlicensed employee.

***Possible conflict with other statutes (71 P. S. § 745.5b(b)(3)(i))***

Finally, the regulation needs to recognize that any person may sell merchandise under Act 1059 of 1963 (63 P. S. §§ 480.1—480.11) (Act 1059), also known as the Future Interment Law. This is another issue that we raised as a question on page five of our comments. Currently, unlicensed vendors legally sell funeral merchandise in Pennsylvania. The *Walker* court also observed that unlicensed individuals may sell funeral merchandise. 364 F.Supp.2d at 525-526. The regulation should be amended to allow unlicensed employees to sell merchandise for their employing funeral entity.

Therefore, based upon the information presented to us and after considering the criteria of the Regulatory Review Act discussed above, we find that promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

The regulation #16A-4816 (IRRC #2639) from the State Board of Funeral Directors was disapproved on 11/19/09.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2294. Filed for public inspection December 11, 2009, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-437	Environmental Quality Board Lead and Copper Rule Short Term Revisions 39 Pa.B. 5581 (September 26, 2009)	10/26/09	11/25/09
16-44	Department of State Schedule of Civil Penalties—Chiropractors 39 Pa.B. 5580 (September 26, 2009)	10/26/09	11/25/09
16A-4318	State Board of Chiropractic Continuing Education Violations 39 Pa.B. 5594 (September 26, 2009)	10/26/09	11/25/09

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
2-149	Department of Agriculture Pesticides 39 Pa.B. 5564 (September 26, 2009)	10/26/09	11/25/09
2-170	Department of Agriculture Canine Health Board Standards for Commercial Kennels 39 Pa.B. 5315 (September 12, 2009)	10/27/09	11/30/09

### Environmental Quality Board

#### Regulation #7-437 (IRRC #2790)

#### Lead and Copper Rule Short Term Revisions

November 25, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the September 26, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

#### 1. Section 109.1103. Monitoring requirements.—Need; Fiscal impact; Clarity.

##### *Subsection (e)—Reduced monitoring.*

The Preamble to the proposed rulemaking states that certain provisions of § 109.1103(e) are more stringent than the Federal rule on which this proposal is based. The specific provisions are: §§ 109.1103(e)(1)(i)(B) and (C); 109.1103(e)(1)(ii)(B); and 109.1103(e)(3). The Board has explained that these provisions are more protective of the public health than the Federal rule. We ask the Board to explain why the Federal rule is not sufficient to protect the health of the citizens of this Commonwealth.

In addition, a commentator has questioned if these provisions increase the cost for compliance for public water systems. We ask the Board to quantify the costs associated with the provisions that are more stringent than the Federal rule.

##### *Subsection (g)—Sample site location plan.*

Subsection (g)(2)(iv) pertains to site selection for community and nontransient noncommunity facilities that operate continuously. The second sentence of this subsection states the following: “These systems shall collect ***as many first-draw samples from appropriate taps as possible*** and identify sampling times and locations that ***would likely*** result in the longest standing time for the remaining sites.” (Emphasis added.) This sentence is vague because it does not establish a binding norm that could be evenly applied to all members of the regulated community and enforced by the Department of Environmental Protection in a uniform manner. We recommend that the sentence be amended to provide more definite parameters for testing.

#### 2. Section 109.1104. Public education and notification.—Implementation procedures; Need; Clarity.

##### *Subsection (a)(2)(i)(B)*

This subsection pertains to the delivery of education materials. It is being amended to read as follows:

The water supplier shall deliver education materials meeting the content requirements of paragraph (1) to local public health agencies, such as the county or State Health Department, even if they are not located within the water system’s service area, along with an informational notice that encourages distribution to all the potentially affected consumers. The water supplier shall contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community based organizations serving target populations which may include organizations outside the service area of the water system. If a list is provided, the water supplier shall deliver education materials that meet the content requirements of paragraph (1) to all the organizations on the list.

We have three concerns. First, the term “local public health agencies” is unclear. We recognize that the Preamble to the rulemaking lists the agencies that must be contacted and that additional guidance will be provided by the Department. However, as noted above, regulations establish binding norms and also have the full force and effect of law. We recommend that the term either be defined or that the final-form regulation include a reference to a specific guidance document that lists the agencies that must be contacted. This term also appears in Subsection (a)(2)(i)(D).

Second, what is the need for contacting local public health agencies, even if they are not located with the water system’s service area? This requirement also appears in Subsection (a)(2)(i)(D).

Third, we find the third and fourth sentence of this subsection to be problematic. Under these sentences, the Board is delegating its rulemaking authority to local public health agencies and members of the regulated community will be required to comply with the additional requirements. This approach does not establish a binding norm that could be applied evenly to the regulated community. If the Board believes that other community based organizations should be contacted, those organizations should be listed in the guidance document.

##### *Subsection (a)(2)(i)(D)*

This subsection requires water suppliers to make a good faith effort to reach certain organizations. It states that the good faith effort “may” include requesting information from a local public health



agency. The use of the word “may” is problematic because it is nonregulatory language which indicates that this provision is optional. It is inappropriate to include optional provisions in a regulation. If the Board believes this provision is necessary, it should change the word “may” to “shall.” If it is not necessary, the provision should be deleted from the regulation.

—  
**Department of State**  
**Regulation #16-44 (IRRC #2791)**  
**Schedule of Civil Penalties—Chiropractors**  
**November 25, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 26, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of State (Department) to respond to all comments received from us or any other source.

**House Professional Licensure Committee comment—Protection of the public health, safety and welfare; Clarity.**

In a letter dated October 21, 2009, the House Professional Licensure Committee commented on the following issues:

- How were the amounts of the new civil penalties determined?
- Is the licensee sanctioned for falsifying a biennial registration as well as failing to comply with the continuing education requirements?
- The Department should explain the failure to address a sanction for a second offense relating to the violation for “practice on a lapsed license in compliance with CE and malpractice insurance requirements.”
- How is a licensee monitored for compliance after a civil penalty is imposed for a deficiency in continuing education?

We will review the Department’s responses to these issues in our consideration of whether the final-form regulation is in the public interest.

—  
**State Board of Chiropractic**  
**Regulation #16A-4318 (IRRC #2792)**  
**Continuing Education Violations**  
**November 25, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 26, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Chiropractic (Board) to respond to all comments received from us or any other source.

**1. House Professional Licensure Committee comment—Protection of the public health, safety and welfare; Clarity.**

In a letter dated October 21, 2009, the House Professional Licensure Committee commented on the following issues:

- Is the licensee sanctioned for falsifying a biennial registration as well as failing to comply with the continuing education requirements?
- The Board should explain how a licensee makes up a continuing education deficiency after renewing a license.
- How is a licensee monitored for compliance after a civil penalty is imposed for a deficiency in continuing education?

We will review the Board’s responses to these issues in our consideration of whether the final-form regulation is in the public interest.

**2. Certification to use adjunctive procedures.—Need; Reasonableness; Clarity.**

The second sentence of Section 5.77(d) states:

Within 6 months after the end of the renewal period during which the required amount of continuing education was not completed, the licensee shall make up the deficiency and provide proof of attendance at continuing education courses as required under section 507 of the act (63 P. S. § 625.507) **and § 5.14 (relating to certification to use adjunctive procedures) for the previous biennial registration period.** (Emphasis added.)

Section 5.14 does not require continuing education courses “for the previous biennial registration period.” The portion of Section 5.14 that addresses continuing education is Paragraph (b)(3) which states:

An applicant for certification to use adjunctive procedures shall present evidence of one of the following qualifications:

\* \* \* \* \*

(3) Utilization of adjunctive procedures in the practice of chiropractic continuously since December 16, 1983. An application for certification under this subsection shall have been received by the Board by September 1, 1988. **To maintain this certification, the licensee shall have completed, by September 30, 1988, 36 hours of additional study in the use of adjunctive procedures as part of the continuing education required for the 1988 biennial registration.** (Emphasis added.)

Section 5.14 only addresses the 1988 biennial registration. It does not place continuing education requirements on subsequent biennial registrations. The Board should review and amend the second sentence of Subsection (d) as appropriate.

—  
**Department of Agriculture**  
**Regulation #2-149 (IRRC #2793)**  
**Pesticides**  
**November 25, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 26, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

**1. Sections 128.2. Definitions; 128.3. Fees; 128.10. Licensing requirements for pesticide dealer; and 128.12. Licensing of a pesticide dealer manager.—Consistency with statute.**

*Pesticide dealer manager*

The statute defines “pesticide dealer” at 3 P. S. § 111.24(32) and sets forth details of pesticide dealer licensure at 3 P. S. § 111.32, including a \$10 annual fee. The Department’s existing regulation includes the \$10 fee in § 128.3(a) and specifies recordkeeping requirements in § 128.11.

The Department is proposing to add a category of licensure of “pesticide dealer manager.” Section 128.2 defines the term “pesticide dealer manager.” Paragraph 128.3(a)(1) sets an annual fee of \$15 for licensure. Section 128.10 specifies further licensure requirements, including Subsection (b) which requires each pesticide dealer to employ at least one pesticide dealer manager. Section 128.12 sets forth details for licensing a pesticide dealer manager.

We have two concerns. First, since the statute only addresses “pesticide dealer,” how is it consistent with the statute to create in regulation the new licensure category of “pesticide dealer manager”? Second, why does the \$15 annual fee for “pesticide dealer manager” exceed the \$10 annual fee for “pesticide dealer,” as contained in 3 P. S. § 111.32(b)?

**2. Section 128.53. Recordkeeping.—Need; Protection of the public welfare; Clarity.**

*Personal identification records*

Subsection (b) requires the pesticide application business to keep and maintain copies of personal information, such as driver’s licenses, valid passports, military identification or Social Security cards. It is not clear what purpose this requirement serves under the Pennsylvania Pesticide Control Act of 1973. Also, if a pesticide application business is required to maintain these records, how must the records be secured to protect against identity theft? The Department should explain the need to copy and maintain these personal identification records. In addition, it is unclear whose records the business is required to maintain: employees, management or both. The final-form regulation should clarify this issue.

**3. Section 128.85a. Ornamental or turf application notification.—Protection of the public health, safety and welfare; Reasonableness; Need; Clarity.**

*Notification*

The notification process in Subsection 128.85a(a) raises five concerns. First, the written request for notification process in Paragraph (a)(1) is not clear. Does “a person” refer to the person receiving the pesticide application, a neighboring property owner or any other person who would want notification from local pesticide businesses? Also, how would a person know that he or she is required to submit a written request for notification? What responsibility does the pesticide application business have if that request is not made? Can the pesticide be applied if the list of property owners required under Subparagraph (a)(1)(i) is not provided?

Second, Subparagraph (a)(1)(i) is confusing regarding to whom notice should be given. It is not a complete sentence. In addition, the provision itself is circuitous, as it is unclear what is the actual “subject” of the provision. Is it the notice itself or the owners of the relevant

properties? Also, how would the pesticide business know or verify that the list provided is complete and accurate?

Third, under Subparagraph (a)(1)(ii) it is not clear what is implied by the statement “The notification requirement becomes effective 7 days following receipt of the request. . . .” What was the status of the notification requirement prior to the seven days?

Fourth, Paragraph (a)(2) only requires a 12-hour notice “upon receiving a written request at least 7 days prior to the application date.” Would the 12-hour notice be required if a written request was received less than seven days before the date of application?

Finally, Paragraph (a)(3) requires the application business to provide a copy of pesticide labels within ten days of receiving a request for them. The ten-day period could allow the application of the pesticide before the labels are provided. There are many circumstances that could raise concerns with the application of a pesticide by a neighbor, including its effects on pregnancies, children, well water and pets. The ten-day period may not allow a neighbor sufficient time to question the application of a pesticide.

We recommend that the Department review Subsection (a) so that it provides a logical notice process and sufficient notice to neighbors who may be concerned about the application of a pesticide near their dwelling.

*Mutual border/contiguous lands*

Subparagraph (a)(1)(i) would require the written request for notification to list the “premises sharing a mutual border.” A commentator states this could be onerous for a large property owner. The commentator notes the existing definition of “land contiguous to a restricted use pesticide application site” excludes premises located more than 100 feet from the application site. The Department should explain why all premises sharing a mutual border must be notified.

In addition, Paragraph (a)(2) requires constructive notice of application on “contiguous lands.” Is this different than “premises sharing a mutual border”? We recommend that the Department use one clearly defined term in Subsection (a).

*Request for notification shall expire on December 31*

Subsection (b) states that “A request for notification made under this subchapter shall expire on December 31 in the year in which it is made.” We question the practicality of this deadline. If a person needs to exterminate pests in December, for example, why should the notice request expire in just a few weeks, particularly after the applicant did all of the work to determine who must be notified? Would the applicant have to re-apply on January 1st? We recommend that the Department consider a different method of expiration, such as twelve months after the written request is received.

**Department of Agriculture**

**Regulation #2-170 (IRRC #2785)**

**Canine Health Board Standards for Commercial Kennels**

**November 30, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 12, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the

Department of Agriculture (Department) to respond to all comments received from us or any other source.

**1. General—Statutory authority; Legislative intent; Fiscal impact; Need; Consistency with statute.**

*Fiscal impact*

Several commentators, including legislators, expressed concerns over the fiscal impact of this proposed regulation on both the Department and the regulated community. The Preamble of the proposed regulation provides no cost estimates but it does refer to the Department's estimates in the Regulatory Analysis Form (RAF) that was submitted with this proposed regulation. In item #17 on page five of the RAF, the Department offers a total cost estimate of \$12,955 for commercial kennels. In contrast, the Pennsylvania Farm Bureau (PFB) stated that the total costs for the required upgrades could range from \$200,000 to over \$1 million.

Another aspect of increased costs that is not mentioned in the RAF is kennel staff costs. The statutory requirements for flooring and exercise areas do not allow kennel operators to rely on wire floors to allow for easy removal of dog wastes and fluids. In order to clean and maintain the dogs, and floors or flat surfaces in primary enclosures and exercise areas, there may be a need for additional staff at kennels which will increase costs. The Department needs to include these factors in its cost estimates for commercial kennels.

The feasibility and fiscal impact of certain provisions in the proposed regulation, particularly those in the areas of ventilation and lighting, are of particular concern. As expressed by Representative Michael K. Hanna in his letter dated October 27, 2009, and by Senator Mike Brubaker in his remarks on the Senate floor urging his colleagues to support the legislation that became Act 119 (see *Senate Journal*, October 8, 2008, p. 2636), the intent of the 2008 amendments to the Dog Law was that commercial kennels would continue to operate successfully in Pennsylvania.

The Department needs to estimate the full economic impact of this proposed regulation.

*Rulemaking authority*

Senator Brubaker, by letter dated October 27, 2009, and Representatives Sam Smith, John Maher (Republican Chairman of the House Agriculture and Rural Affairs Committee), Jerry Stern, Sam Rohrer, Scott Hutchinson, Jim Cox, Gordon Denlinger, Mark Keller, David Millard, Tina Pickett, Jeffrey Pyle, Michele Brooks, Michael Fleck, Carl Walker Metzgar, Richard Stevenson and Martin Causer via a joint letter dated October 27, 2009, (Representatives' comments) submitted objections and recommendations on the proposed regulation. Both Senator Brubaker and the Representatives' comments expressed concern with the roles of the Department and Canine Health Board (Board) in the development of this proposed regulation and in receiving comments on the rulemaking.

Section 221(g) of the Dog Law (Law) (3 P.S. § 459-221(g)) gave the Board the task of issuing guidelines. However, it placed the task of issuing the regulation with the Department. Section 902 of the Law gives authority to the Secretary of Agriculture to promulgate rules and regulations to carry out the provisions and intent of the statute. It is clear that the Department is the sole entity with the authority to promulgate and enforce regulations. Unlike some other boards, such as the Environmental Quality Board which is empowered with rulemaking authority by statute, Act 119 did not give such authority

to this Board. The Department needs to provide a statement with the final-form regulation that fully explains its authority in rulemaking and the functions of the Board.

*Public interest*

Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) directs the Independent Regulatory Review Commission (Commission) to determine whether a regulation is in the public interest. When making this determination, we consider criteria relating to economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide in the Regulatory Analysis Form pursuant to Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)).

This proposed rulemaking is a comprehensive set of provisions under the Law. The Preamble included with the proposal does not provide an adequate description of the numerous sections of the rulemaking and the rationale behind the language. Without this information, this Commission is unable to determine if the regulation is in the public interest. In the Preamble submitted with the final-form rulemaking, the Department should provide more detailed information, including a description of the language proposed for each section of the regulation and why the language is required.

**2. Section 28a.1. Definitions.—Reasonableness; Possible conflict with other regulations; Implementation procedure; Clarity.**

The definition of "excessive light" is vague. There is no indication of what levels and types of light would be excessive or cause harm or discomfort to dogs. The Department needs to clarify the purpose and intent of this definition and its related provision at Section 28a.3(1)(iii). Depending on how this term is defined, interpreted or applied, Sections 28a.3(1)(i) and (ii), relating to dogs' required exposure to natural light, may be in conflict with Section 28a.3(1)(iii) if natural sunlight is determined to be excessive. If the intent is that primary enclosures should provide shade from direct light regardless of whether it is natural or artificial, then such a statement should be included in the final-form regulation and this definition could be deleted.

**3. Section 28a.2. Ventilation.—Statutory authority; Fiscal impact; Need; Reasonableness; Consistency with statute; Feasibility; Implementation procedure.**

*Ambient air temperature*

Please explain the authority for the Department to require, in Paragraph (1), that the ambient air temperature be kept below 85° F. Section 207(h)(7) of the Law reads: "The Canine Health Board shall determine auxiliary ventilation to be provided if the ambient air temperature is 85 degrees F or higher." Furthermore, Senator Brubaker expresses concern that the definition of "mechanical ventilation" is "subjective enough that an inspector may have the ability to demand air conditioning." While the Department has the authority to require mechanical ventilation when the temperature goes above 85 degrees, the Senator asserts that the Department does not have the authority to require temperature reduction. We agree.

Based upon a meeting with Department staff, we understand that air conditioning was not intended to be required by this proposed regulation. This provision

should be amended in the final-form regulation to clearly state the Department's intent. Also, what is the Department's authority to require dogs to be removed from a facility when the ambient air temperature goes above 85 degrees?

Finally, numerous commentators assert that there are situations where it is important for the ambient air temperature to be well above 85 degrees in certain portions of a kennel. For instance, numerous commentators indicated that newborn puppies cannot regulate their own body temperature until they are 10-14 days old and need ambient air temperatures in the mid 90s. However, this proposed regulation appears to prohibit the necessary temperatures in this circumstance. The Department should add a provision that would address these concerns.

#### *Recirculation of air*

Subsection (8)(i) requires a kennel to "... provide between 8-20 air changes of **100% fresh air** per hour..." (Emphasis added.) However, Subsection (11) requires a specific type of air filter "when employing mechanical means of ventilation and **recirculating air**..." (Emphasis added.) It is unclear how a kennel would be able to recirculate air, while using 100% fresh air for its air changes. These provisions appear to conflict with one another. The Department should clearly indicate how these provisions work together. If they do conflict, these provisions should be amended in the final-form regulation to reflect the Department's intent with regard to the circulation of air.

In addition, compliance with the requirement for "100% fresh air" in the air changes could be prohibitively expensive. We question the fiscal impact and feasibility of this requirement.

#### *Paragraphs (2) and (3)*

Commentators, including the Pennsylvania Veterinary Medical Association, state that the humidity levels established in this proposed regulation are not always attainable, unless the kennel is hermetically sealed. They further state that these humidity levels required by the regulation may not necessarily be the most beneficial to the dogs. The Department should justify how these humidity levels can reasonably be attained and how these are the best levels for the benefit of dogs.

#### *Paragraph (4)*

Commentators assert that the ammonia levels required in Subsection (4) are too difficult to achieve and the technology for monitoring ammonia at this level does not exist. How did the Department arrive at the 10 ppm requirement for ammonia? How is this level achievable for kennels, in light of commentators' assertions that it is extremely difficult to monitor it at this level?

#### *Paragraph (5)*

This paragraph establishes requirements with regard to carbon monoxide, including the installation of carbon monoxide detectors. Senator Brubaker and the Representatives' comments both assert that the authority to establish these requirements is lacking and the entire paragraph should be deleted. The Department should set forth its authority to require carbon monoxide monitoring or it should delete these provisions. Similar concerns apply to Paragraphs (7) (relating to particulate matter) and (10) (relating to odor, stale air, moisture condensation or lack of air flow).

#### *Paragraph (6)*

This paragraph requires the kennel to contact the Bureau of Dog Law "in the event of a mechanical system malfunction." This provision lacks clarity. First, in what time frame should this contact be made? Second, how should a kennel owner contact the Bureau if a malfunction occurs during the night or weekend when the Bureau is not open? Will the Bureau establish a 24-hour contact number? These items should be clarified and set forth in the final-form regulation.

#### *Paragraph (8)*

The Representatives' comments raised several questions with regard to this paragraph. These questions include calculation methods and several clarity concerns. We will evaluate the Department's response to these questions in our consideration of whether the final-form regulation is in the public interest.

#### *Subparagraph (8)(v)*

This subparagraph states that the "Department may hire or consult with an engineer to recommend improvements be made to kennels to meet compliance..." Senator Brubaker and the Representatives' comments both assert that the Department is not authorized to hire or consult with an engineer to inspect kennels. They further state that only State Dog Wardens and employees of the Department are authorized to inspect kennels and enforce provisions of the Law. The Department should state its authority to allow engineers to inspect a kennel under this subparagraph, or this provision should be deleted.

#### *Paragraph (9)*

This paragraph lists several conditions that are associated with poor ventilation. However, numerous commentators indicate that poor ventilation is not the only cause of these conditions. The Department should clearly explain why it is appropriate to tie these symptoms to poor ventilation or this subsection should be deleted.

#### **4. Section 28a.3. Lighting.—Statutory authority; Fiscal impact; Need; Reasonableness; Consistency with statute; Feasibility; Implementation procedure; Clarity.**

##### *Natural light*

Senator Brubaker and the Representatives' comments assert that any reference to natural light must be removed from this regulation, including Subparagraphs (1)(i), (ii) and (v). They point out that the Law specifically states, at Section 207(h)(8), that dogs should be provided with natural **or artificial** light.

What is the Department's authority to require a kennel to provide both natural and artificial light to its dogs? Another question is why would it be necessary to have natural light inside the kennels if the dogs have access to outdoor exercise areas? These should be clearly explained in the final-form regulation.

##### *Excessive lighting*

Subsection (1)(ii) sets a minimum amount of external windows and skylights in order to aid in meeting the lighting standards in this section. However, Subsection (1)(iii) states, "Dogs shall be protected from **excessive light**" (Emphasis added). Excessive light is defined as "direct, undiffused light, from either the sun or a lighting fixture placed in a manner that the light is shining directly into a primary enclosure of a dog." As noted earlier, it appears that these two provisions conflict with each other. A dog is not to be exposed to "excessive light,"

yet a kennel will be required to allow sunlight to beam into the rooms where dogs are housed. The Department should clearly explain its intent and amend the regulation accordingly.

*“Full spectrum lighting”*

Senator Brubaker suggests that this term, used in Subsections (1)(vi) and (2)(i), be defined. We agree.

*Subparagraph (1)(ii)*

The first sentence of this subparagraph is long and confusing. There are two questions. First, regarding the phrases “within each room where dogs are housed may not be less than 8% of the floor space,” it is unclear which floor space is being referenced. Is it the total floor space of each room or the whole kennel? Second, does the Department intend to apply the “external opening” requirement to existing kennels? If so, the Department should clearly explain its authority to retroactively apply this standard to kennels that were in place and operating prior to the effective date of this regulation. The Department should also examine the fiscal impact of this requirement.

*Subparagraph (2)(i)*

This subsection requires the kennel to provide “full spectrum lighting between 50-80 foot candles” during the daytime. Commentators have expressed concern that this would be too bright for the dogs. Why must lighting be 50-80 foot candles during the day? How did the Department determine this was reasonable? Is this requirement based on animal husbandry practices, as required by the Law?

*Subparagraph (2)(iv)*

Under this subsection, lighting sources “may not have a visible flicker.” It is not clear how the elimination of flickering lights will benefit dogs. Further, Senator Brubaker asserts that the prohibition of a “visible flicker” is not in the scope of the Law and should be removed from this regulation. The Department should explain its authority for banning lighting with a “visible flicker” or delete the provision. If the Department does provide adequate statutory authority, it should explain how the prohibition of flickering lights benefits dogs.

**5. Section 28a.4. Flooring.—Consistency with statute; Reasonableness; Clarity.**

*Identifiable options for flooring in primary enclosures*

Section 207(i)(3) of the Law (3 P.S. § 459-207(i)(3)) provides detailed specifications for the required flooring in primary enclosures. Section 207(i)(3)(iii) states that “additional flooring options that meet the provisions of subparagraph (i) may be approved by the Canine Health Board.” Given the statute, the structure and provisions of this section are confusing.

In order to clearly delineate the primary enclosure flooring options, the reference to the statutory requirements in Section 207(i)(3) of the Law should be listed by itself in one subsection as the initial flooring option provided by the statute. A second subsection could set forth the requirements for the option of solid flooring. In this format, provisions such as those in Subsections (2) and (3) of this proposed regulation would be moved to be subparagraphs in the second subsection on solid floors.

This section should also include a process and procedure whereby kennels could submit proposals for new flooring options to the Department and Board for review and approval in the future. This would invite technological innovation which could reduce costs while improving

the health and welfare of dogs. It would also allow for the full realization of the statutory provision allowing for additional floor options.

*Vague terms and phrases*

In Paragraph (4), what is considered “high thermal conductance”? The intent is unclear. Another concern is in Paragraph (6). Who would determine if a floor surface provides “the dogs with good footing”? How will such a standard be measured and enforced? The Department needs to re-write these subsections as requirements that can be easily measured, assessed and enforced, or delete them from the final-form regulation.

Paragraph (7) is also vague and it is unnecessary. The insertion of the words “and may be subject to microbial assessment” serves no purpose because no standard is established. The statutory basis for this vague phrase should be explained. As written, this is non-regulatory language because the regulated community is not notified when a “microbial assessment” will be required, how it will be performed, or what standard will be enforced. This should be set forth in the final-form regulation or this phrase should be deleted.

**6. Miscellaneous—Reasonableness; Clarity.**

*Nonregulatory language*

The first sentences in Sections 28a.2, 28a.3 and 28a.4 are nonregulatory language and should be deleted. For example, the first sentence in Section 28a.2 reads: “Proper ventilation helps ensure that dogs are healthy and not stressed.” This is not a prescriptive standard, directive or requirement, and therefore, it serves no purpose in the text of a regulation. It is a supportive statement which belongs in the narrative in the Preamble of a rulemaking.

The term “satisfactory” in Section 28a.2(8)(iv) also is nonregulatory language and should be amended.

*Applicable codes*

Sections 28a.2(12), 28a.3(3) and 28a.4(5) in this proposed regulation state that the ventilation systems, lighting and floors and drains “must comply with the latest edition of applicable codes.” To which codes are these subsections referring? To properly notify the regulated community of the standards required for compliance, the final-form regulation should specifically identify the “applicable codes.”

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 09-2295. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
31-8	State Employees' Retirement Board Definitions	11/24/09	1/7/10
31-10	State Employees' Retirement Board Termination of Annuities	11/24/09	1/7/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2296. Filed for public inspection December 11, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Richard A. Kroope; Doc. No. SC09-12-005

Notice is hereby given of the Order to Show Cause issued on December 2, 2009, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violation of the following is alleged: sections 611-A(1), (3), (7), (13) and (20) of the Insurance Department Act of 1921 (40 P. S. § 310.11-A(1) and (20)).

Respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA. 17102.

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, should contact Donna Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2297. Filed for public inspection December 11, 2009, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by The Lutheran Home at Kane

The Lutheran Home at Kane has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Lutheran Home in Kane, PA. The initial filing was received on December 1, 2009, and

was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2298. Filed for public inspection December 11, 2009, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Large Group Experience Rating and Small Group Demographic Rating Methodologies; Applicability—Group Size 2+; Rate Filing

On November 13, 2009, the Insurance Department (Department) received a filing from Highmark Blue Cross Blue Shield requesting approval of a Claim Allowance Continuance Table for High Deductible Plans, with an individual deductible of \$1,000 and a family deductible of \$2,000 or more, with an Integrated Prescription Drug Benefit for the Non-Gatekeeper Preferred Provider Organization Program. This filing will apply to Demographically Rated and Experience Rated Business. The requested effective dates vary based on group size and new or renewing status.

Unless formal administrative action is taken prior to February 25, 2010, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Administration, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2299. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Large Group Experience Rating and Small Group Demographic Rating Methodologies; Applicability—Group Size 2+; Rate Filing**

On November 13, 2009, the Insurance Department (Department) received a filing from Highmark Blue Cross Blue Shield requesting approval for cost per claim, distribution tables, pooling factors and other benefit adjustment factors for the Preferred Provider Organization Program. This filing will apply to Demographically Rated and Experience Rated Business. The requested effective dates vary based on group size and new or renewing status.

Unless formal administrative action is taken prior to February 25, 2010, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Administration, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2300. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Jefferson Regional Medical Center; Prehearing**

**Appeal of Jefferson Regional Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-11-019**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before December 18, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 19, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 22, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 18, 2009. A hearing date shall be determined, if necessary, at the prehearing 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. 09-2301. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Jefferson Regional Medical Center; Prehearing**

**Appeal of Jefferson Regional Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-11-020**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before December 18, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 19, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 22, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 18, 2009. A hearing date shall be determined, if necessary, at the prehearing 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. 09-2302. Filed for public inspection December 11, 2009, 9:00 a.m.]

**Keystone Health Plan West; Large Group Experience Rating and Small Group Demographic Rating Methodologies; Applicability—Group Size 2+; Rate Filing**

On November 13, 2009, the Insurance Department (Department) received a filing from Keystone Health Plan West requesting approval of cost per claim, distribution tables, pooling factors and other benefit adjustment factors for the HMO. This filing will apply to Demographically Rated and Experience Rated Business. The requested effective dates vary based on group size and new or renewing status.

Unless formal administrative action is taken prior to February 25, 2010, 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). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Administration, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2303. Filed for public inspection December 11, 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 policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, 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 Bureau of Consumer Services, Philadelphia Regional Office, Room 6062, 801 Market Street, Philadelphia, PA 19107.

Appeal of Curt Gammer; file no. 09-188-79063; State Farm Mutual Automobile Insurance; Doc No. P09-11-027; January 12, 2010, 3 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.

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. 09-2304. Filed for public inspection December 11, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications Services

**A-2009-2144489, A-2009-2144511 and A-2009-2144513. Sprint Communications Company, LP.** Application of Sprint Communications Company, LP for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territories of North Penn Telephone Company, The Denver and Ephrata Telephone & Telegraph Company, and The Conestoga Telephone and Telegraph Company.

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 28, 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:* Sprint Communications Company, LP

*Through and By Counsel:* Benjamin A. Aron, Sprint Nextel Corporation, 2001 Edmund Halley Drive, Reston, VA 20191, Mailstop Varesp0201 A208, (703) 592-7618, fax (703) 592-7404, e-mail benjamin.aron@sprint.com

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2305. Filed for public inspection December 11, 2009, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 28, 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-2009-2145010. Ruth Ann Bubb** (3739 Stull Road, McClure, Snyder County, PA 17841)—persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Snyder and Mifflin, to points in Pennsylvania, and return.

**A-2009-2145012. Marrema Doing Business As Great Valley Cab Company, LLC**, (13 Landmark Drive, Malvern, Chester County, PA 19355—a limited liability company of the Commonwealth—persons upon call or demand in that portion of Chester County on and north of Old U.S. Highway Route 30.

**Application 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 the application.**

**A-2009-2143176. Road Scholar Limousine Service, Inc.** (1997 Pleasant Hill Road, Cogan Station, Lycoming County, PA 17728), a corporation of the Commonwealth, for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00119247, to transport persons in limousine service between points in the Counties of Centre, Clinton and Lycoming and from points in said counties to points in Pennsylvania, and return.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2306. Filed for public inspection December 11, 2009, 9:00 a.m.]

## STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v. James V. Williams, FD; File No. 06-48-07867**

On October 15, 2009, James V. Williams, FD, license nos. FD-013751-L and FS-015333, of Philadelphia, Philadelphia County, had his licenses revoked and was ordered to pay civil penalties totaling \$5,000, based upon his professional misconduct in the practice of funeral directing.

Individuals may obtain a copy of the order by writing to Christopher McNally, Board Counsel, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Funeral Directors' (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.

MICHAEL J. YEOSOCK,  
*Chairperson*

[Pa.B. Doc. No. 09-2307. Filed for public inspection December 11, 2009, 9:00 a.m.]

## STATE POLICE

**Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems**

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 34 Pa.B. 1304 (February 28, 2004) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 34 Pa.B. 1304, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional approved mobile video recording system, which meets the minimum equipment standards published at 34 Pa.B. 1304:

*Panasonic Arbitrator 360 Mobile Video Recorder*, Panasonic Corporation of North America, Secaucus, NJ

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL FRANK E. PAWLOWSKI,  
*Commissioner*

[Pa.B. Doc. No. 09-2308. Filed for public inspection December 11, 2009, 9:00 a.m.]

