

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 16, 2010.

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

No activity.

#### 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. 10-394. Filed for public inspection March 5, 2010, 9:00 a.m.]

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### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 23, 2010.

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

##### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2010	Bryn Mawr Interim Bank Bryn Mawr Montgomery County	Filed
	The purpose of Bryn Mawr Interim Bank, Bryn Mawr, is to facilitate the proposed merger of First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr.	

**Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2010	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County	Filed

Application for approval to acquire 100% of First Keystone Financial, Inc., Media, and thereby indirectly acquire 100% of First Keystone Bank, Media.

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-23-2010	Drexel Morgan & Co. Holdings Radnor Delaware County	Filed

Application for approval to acquire 100% of The Haverford Trust Company, Radnor.

**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2010	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	Filed

Application for approval to merge First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr.

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-17-2010	York Traditions Bank York York County	2170 White Street York York County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-18-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	9910 Frankford Avenue Philadelphia Philadelphia County	Approved
2-18-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2 Scott Street and Pavilion Avenue Riverside Burlington County, NJ	Approved
2-23-2010	S & T Bank Indiana Indiana County	2000 Penny Lane Jeannette Westmoreland County	Approved
2-23-2010	S & T Bank Indiana Indiana County	2001 Lincoln Way White Oak Allegheny County	Approved

**SAVINGS INSTITUTIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-18-2010	ESSA Bank & Trust Stroudsburg Monroe County	1500 North Cedar Crest Boulevard Allentown Lehigh County	Approved

**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*

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Action Plan for the Distribution and use of Community Development Block Grant—Recovery Funds

The Department of Community and Economic Development (Department) is proposing a minor amendment to the Commonwealth's Action Plan for Federal Fiscal Year 2008 (FFY) and the Program year that began on January 1, 2008. The 2008 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2004-2008. Due to revised activities for a small number of grantees, this minor amendment contains a revised Action Plan for the distribution and use of Community Development Block Grant—Recovery (CDBG-R) funds.

The United States Department of Housing and Urban Development (HUD) awarded the Commonwealth an allocation of \$12,434,921 in CDBG-R funds, as authorized by the American Recovery and Reinvestment Act of 2009 (42 U.S.C.A. § 5301).

The purpose of CDBG-R funds is to provide expedited funding for community development projects that will stimulate the economy and provide job creation and job retention benefits. The Department will award CDBG-R funds on a formula basis to local governments, which includes 13% of the funds for competitive/discretionary projects. The eligible activities include many of the regular activities eligible under the CDBG Program with several exceptions.

The Action Plan also includes the list of projects that grantees will undertake using CDBG-R funds and local government contact information about those projects. This minor amendment to the Action Plan will be submitted to HUD on or before March 19, 2010. Copies of the Action Plan and a list of projects can be obtained at: <http://www.newpa.com/strengthen-your-community/technical-assistance/index.aspx>.

Persons who would like additional information about this amendment should contact Jody Michael, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120.

GEORGE E. CORNELIUS,  
*Secretary*

[Pa.B. Doc. No. 10-396. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Jennifer J. Thimons, a/k/a Jennifer J. Steward, a/k/a Jennifer J. Stewart, a/k/a Jennifer J. Macsurak, a/k/a Jennifer J. Kowalski for Reinstatement of Teaching Certificates; Doc. No. RE-09-06

#### Notice of Opportunity for Hearing and Invitation to Protest

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Jennifer J. Thimons for reinstatement of her teaching certificates.

On or about November 16, 2009, Jennifer J. Thimons filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and the former 22 Pa. Code § 233.14 (relating to reinvestment). Under section 16 of the act, the Department of Education on February 22, 2010, does not support the reinstatement.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.14(d) (relating to waiver of hearing), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 10-397. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

## I. NPDES Renewal Applications

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

<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>
PA0058297 (Sewage)	Wolanin SRSTP 331 Echo Valley Lane Newtown Square, PA 19073	Delaware County Newtown Township	Lewis Run 3G	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>
PA0082864 (Sew)	Jesus Ministries, Inc. Agape Farm Campground R. R. 1 Box 58-B Shirleysburg, PA 17260	Huntingdon County Cromwell Township	Browns Gap Run 12-C	Y
PA0032000 (Sew)	Department of Conservation and Natural Resources Bureau of State Parks Gifford Pinchot 200 Rosstown Road Lewisberry, PA 17739-9787	York County Warrington Township	Conewago Creek 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>
PA0228192 (Sewage)	Wallaceton Boggs Municipal Authority Sewage Treatment Facility P. O. Box 97 West Decatur, PA 16878	Boggs Township Clearfield County	Laurel Run 8D	Y
PA0009032 (IW)	Former GTE Products Corporation Facility Old Route 220 Muncy, PA 17756	Lycoming County Muncy Township	West Branch Susquehanna River	Y
PA0024627 (Sewage) Public	McClure Municipal Authority P. O. Box 138 McClure, PA 17841	Snyder County McClure Borough	South Branch Middle Creek SWP 6A	Y
PA0209236 (Sewage) Public	Tioga Borough Wastewater Treatment Plant P. O. Box 158 Tioga, PA 16946	Tioga County Tioga Borough	Tioga River SWP 4A	Y
PA0113751 (IW)	Former TRW Danville Valve Plant 601 East Market Street Danville, PA 17821	Montour County Danville Borough	Susquehanna River 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>
PA0239445 (Sewage)	Sugar Grove Area STP 193 Creek Road Sugar Grove, PA 16350	Warren County Sugar Grove Borough	Stillwater Creek 16-B	Y
PA0100676	Temple Grove Campground 347 Hamburg Road Transfer, PA 16154	Mercer County Delaware Township	Shenango River 20-A	Y
PA0101851	Villa Maria Community Center P. O. Box 906 288 Villa Drive Villa Maria, PA 16155	Lawrence County Pulaski Township	Unnamed tributary to Coffee Run 20-B	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.*

**PA0244236, Amendment 1**, Sewage, SIC 4952, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge 55,550 gpd of treated sewage into Hough's Creek.

The receiving stream, Hough's Creek, is in the State Water Plan watershed 2E and is classified for: warm water fishery. The nearest downstream public water supply intake for the Pennsylvania American Water Company is located on the Delaware River and is 3.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 55,550 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>			10		20
Total Suspended Solids			10		20
Ammonia as N					
(05/01 to 10/31)			1.5		3.0
(11/01 to 04/30)			3.0		6.0
Total Phosphorus			0.1		0.2



Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Total Nitrogen			10		20
Dissolved Oxygen			6.0 min.		
Fecal Coliform			50 #/100 ml		1,000 #/100 ml
pH			6.0 min.		9.0
Total Residual Chlorine			0.01		0.025
Total Dissolved Solids			1,000		2,000

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

1. Responsible Operator.
2. Abandon Sewer Treatment Plant (STP).
3. Remedial Measures.
4. No Stormwater.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. TRC Minimization.
9. Sewage Sludge Disposal.
10. I-Max Limits.
11. DMR with No Discharge.
12. 2/Month Monitoring.
13. Lab. Certification.
14. Discharge to Special Protection Waters.
15. I-Max Reporting for Fecal Coliform.

**PA0058963**, Industrial Waste, SIC Code 3273, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006-1111. The facility is located in Telford Borough, **Bucks County**. The application is for a renewal of an NPDES permit for discharge of industrial stormwater from the Telford Batch Plant.

The receiving stream(s), an unnamed tributary to Mill Creek, is located in State Water Plan watershed 3-E and is classified for trout stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, based on a 10-year 24-hour storm event, are as follows:

Parameter	Effluent Limitations (mg/l)			
	Instantaneous Minimum	Annual Average	Daily Maximum	Instantaneous Maximum
Total Suspended Solids		50	100	100
pH(STD)	6.0			9.0
Oil and Grease		Monitor/Report		Monitor/Report

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

1. Stormwater Best Management Practices.
2. EPA waiver is in Effect.

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

**Application No. PA 0024384, Amendment No. 1**, Sewage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water is located on the Conodoguinet Creek, approximately 14.7 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

The amendment revises the Chesapeake Bay Strategy Implementation final Net Total Nitrogen cap load to 22,120 pounds/year.

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 0024431**, Sewage, **Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17109. This facility is located in Carroll Township, **York County**.

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

The receiving stream, Dogwood Run, is in Watershed 7-E, and classified for 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 18.2 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

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 0086142**, Sewage, **Washington Township Municipal Authority**, P. O. Box 156, Bally, PA 19503-0421. This facility is located in Washington Township, **Berks County**.

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

The receiving stream, west branch of the Perkiomen Creek, is in Watershed 3-E, and classified for cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on the Tulpehocken Creek, approximately 22 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 0.25 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)	7.5		15
(11-1 to 4-30)	20		40
Total Phosphorus	1.0		2.0
Total Residual Chlorine	1.0		2.0
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 0.25 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)	7.5		15
(11-1 to 4-30)	20		40
Total Phosphorus	0.5		1.0
Total Residual Chlorine	0.5		1.0
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	

#### Greenlane Reservoir TMDL Requirements

	<i>Concentration (mg/L)</i>	<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>
Total Phosphorus	0.5	1.04

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 0082635**, Industrial Waste, SIC Code 4952, **ELS Sun Valley, LP**, Two North Riverside Plaza, Suite 800, Chicago, IL 60606. This facility is located in Brecknock Township, **Lancaster County**.

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

The receiving stream, an unnamed tributary to Rock Run, is in Watershed 7-J, and classified for high quality cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Lancaster Municipal Authority located on the Conestoga Creek, approximately 28 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 0.02 MGD are:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Residual Chlorine	1.5		2.5
Total Phosphorus	2		4
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 based on a design flow of 0.02 MGD are:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Residual Chlorine	2		4
Total Phosphorus	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

**Application No. PA 0260274**, Concentrated Animal Feeding Operation (CAFO), **Hillside Poultry Farms**, 1849 Letterkenny Road, Chambersburg, PA 17201.

Hillside Poultry Farms, Inc. has submitted an NPDES permit application for the Hillside Poultry Farm, a poultry layer operation located in Hamilton and Greene Townships, **Franklin County**. The CAFO is situated near unnamed tributaries to Conococheague Creek and Rowe Run (Watershed 13-C), the streams are classified as warm water and cold water fisheries, respectively. The CAFO has a target animal population of approximately 1,300 animal equivalent units (AEUs) consisting of 400,000 laying hens. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year/24-hour storm event.

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

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

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



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

**PA0228982**, CAFO, SIC 0213, **Kurtz Family Farm**, 1070 Grande Valley Road, Mifflinburg, PA 17844-7960. This proposed facility is located in West Buffalo Township, **Union County**.

Description of Proposed Activity: This existing CAFO has requested an amendment to NPDES Permit No. PA0228982 to convert its existing barns from a wet duck operation to a swine finishing operation.

The receiving stream, an unnamed tributaries of Buffalo Creek/Coal Run, is in the State Water Plan Buffalo Creek watershed 10C, and is classified for: Cold Water Fishery/High Quality-Cold Water Fishery, respectively.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO individual permit is a nondischarge NPDES permit.

Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

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

1. Compliance with the farm’s Nutrient Management Plan.
2. Compliance with the farm’s Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm’s Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.
9. The permittee shall not export manure to the Mike Ebersole farm fields either directly, or through a manure importer, until an Erosion and Sedimentation Plan has been developed and implemented for the Mike Ebersole farm in accordance with 25 Pa. Code § 102.4. A written plan, meeting the requirements in § 102.4, shall be provided to the Union County Conservation District. Upon written confirmation from the District to the Department of Environmental Protection and permittee, that an Erosion and Sedimentation Plan is in effect at the Mike Ebersole farm, this importer site may be utilized for land application of manure.

The EPA waiver will not be in effect.

**PAS214802**, Industrial Waste, SIC 3271, **Beavertown Block Company, Inc.**, P. O. Box 337, 3612 Paxtonville Road, Middleburg, PA 17842-0337. This proposed facility is located in Franklin Township, **Snyder County**.

Description of Proposed Activity: The applicant is seeking coverage under an individual stormwater permit. A general stormwater permit was previously issued, but a recent discovery that the stream was being impaired due to their stormwater discharge has eliminated that option.

The receiving stream, Unnamed Tributary to Middle Creek, is in the State Water Plan watershed 6A and is classified for: CWF, MF. The nearest downstream public water supply intake for United Water Pennsylvania is located on Susquehanna River and is 57.6 miles below the point of discharge.

There are no effluent limits in an individual stormwater permit.

**PA0010031**, Industrial Waste, SIC 4911, **RRI Energy Mid Atlantic Power Holdings, LLC**, 121 Champion Way, Canonsburg, PA 15317-5817. This existing facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for existing discharges of noncontact cooling water, stormwater, stormwater induced overflows, treated sewage effluent and treated industrial wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 8C and classified for: Warm Water Fishes, Migratory Fishes (WWF, MF). The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River is 150 miles below the point of discharge.

The proposed effluent limits for stormwater Outfalls 001—003, 010 and 012 based on a design flow of N/A MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH					Report	
TSS					Report	
Total Copper					Report	
Total Nickel					Report	
Total Zinc					Report	
Dissolved Iron					Report	
Oil and Grease					Report	

The proposed effluent limits for coal pile runoff from greater than or equal to 10-year 24-hour storm event Outfall 009 based on a design flow of N/A MGD.

NOTICES

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS					Report	
Total Copper					Report	
Total Nickel					Report	
Total Zinc					Report	
Dissolved Iron					Report	
Oil and Grease					Report	

The proposed effluent limits for stormwater induced overflows Outfalls 101, 102 and 201 based on a design flow of N/A MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow	Report	Report				
pH			Report			Report
TSS				Report	Report	
Total Iron				Report	Report	
Total Manganese				Report	Report	
Total Aluminum				Report	Report	
Total Zinc				Report	Report	

The proposed effluent limits for treated sewage effluent Outfall 205 based on a design flow of 0.0009 MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
CBOD <sub>5</sub>	1.9			25		50
TSS	2.3			30		60
Fecal Coliforms (5/1 - 9/30)				200		
(10/1 - 4/30)				2,000		
Total Residual Chlorine				1.0		3.3

The proposed effluent limits for treated industrial wastewater effluent Outfall 405 based on a design flow of 1.3 MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS	325			30		50
Oil and Grease	163	217		15	20	30
Total Iron	20	39		1.8	3.6	4.5
Total Manganese	23	46		2.1	4.2	5.3
Total Aluminum	40	80		3.7	7.4	9.3

The proposed effluent limits for noncontact cooling water Outfall 008 based on a design flow of 426 MGD permit effective date to permit effective date plus 3 years.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Residual Chlorine						0.2
Temperature Intake				Report	Report	
Temperature Discharge				Report	Report	
Heat mmBtu/day*		Report				

The proposed effluent limits for noncontact cooling water Outfall 008 based on a design flow of 426 MGD permit effective date plus 3 years through permit expiration.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Residual Chlorine						0.2
Temperature Intake				Report	Report	
Temperature Discharge				Report	Report	

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Heat mmBtu/day* 1/1 - 1/31		11,039				
Heat mmBtu/day* 2/1 - 2/29		12,074				
Heat mmBtu/day* 3/1 - 3/31		28,977				
Heat mmBtu/day* 4/1 - 4/30		32,081				
Heat mmBtu/day* 5/1 - 5/15		21,112				
Heat mmBtu/day* 5/16 - 5/30		35,186				
Heat mmBtu/day* 6/1 - 6/30		26,907				
Heat mmBtu/day* 7/1 - 7/31		14,074				
Heat mmBtu/day* 8/1 - 8/31		12,557				
Heat mmBtu/day* 9/1 - 9/30		9,866				
Heat mmBtu/day* 10/1 - 10/31		9,935				
Heat mmBtu/day* 11/1 - 11/15		11,039				
Heat mmBtu/day* 11/16 - 11/30		8,831				
Heat mmBtu/day* 12/1 - 12/31		8,279				

Part C Other Requirements:

I. Implementation Schedule for compliance with effluent limits and heated discharge limits: Million British Thermal Units per day (mmBtu/day), Maximum 110° F and the heated discharge can not raise the stream temperature 2° F in any 2 hour period.

II. Requires installation of closed cycle recirculating cooling or perform 316(b) intake physical and biological monitoring.

III. Defines stormwater outfalls.

IV. Regulates outfalls 004 and 010 and internal monitoring point 505 as spills.

V. Requires debris collected at the intake not to be returned to the waterways.

VI. Imposes no limitations for outfall 005.

VII. Requires no discharge of PCB.

VIII. Requires Department of Environmental Protection approval of chemical additives.

IX. Limits chlorination for 2 hour in any 24 hour period.

X. Stormwater requirements.

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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. WQG02151005**, Sewerage, **Phoenixville Borough**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension.

**WQM Permit No. WQG02231006**, Sewerage, **Calvary Chapel of Delaware County Incorporated**, 708 South Middletown Road, Media, PA 19063-5024. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

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

**WQM Permit No. 3801401**, Amendment 10-1, Sewerage, **Department of Military and Veteran's Affairs**, Fort Indiantown Gap, Building 0-11, Annville, PA 17003. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Installation/Operation of a sludge press at the Fort Indiantown Gap Waste Water Treatment Plant.

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

**WQM Permit No. 5610401**, Sewerage, **Lincoln Township Municipal Authority**, P. O. Box 162, Sipesville, PA 15561-0162. This proposed facility is located in Lincoln Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a 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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*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Wayne County Conservation District: Agricultural Service Center, 648 Park Street, 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>
PAI026410001	Hawley Silk Mill, LLC P. O. Box 459 Hawley, PA 18428	Wayne	Hawley Borough	Wallenpaupack Creek HQ-WWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI034410002	Valley View Haven, d/b/a Malta Home Retirement Community 2105 East Main Street P. O. Box 9299 Belleville, PA 17004-9299	Mifflin	Granville Township	Minehart Run HQ-CWF-MF

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

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041710001	City of DuBois P. O. Box 408 16 W. Scribner Avenue Dubois, PA 15801-0408	Clearfield	Sandy and Union Townships	Laborde Branch CWF

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


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

### STATE CONSERVATION COMMISSION

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

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Melvin Nissley Mel-Mar Acres 1612 Pecks Road Middletown, PA 17057	Dauphin	458.5	718.8	Layers	TSF	Renewal
Longacre Farm Mark Bricker Path Valley Road Dry Run, PA 17220	Franklin	65	576.82	Swine	NA	Renewal
Green Valley Farms (Barley Farms) 2266 Junction Road Seven Valleys, PA 17360	York	16.21	1,892.79	Swine	NA	Renewal
Heindel Farm (operated by Star Rock Farms, LLC) 13845 Ted Wallace Road Brogue, PA 17309	York	1,330.2	1,700	Beef	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**

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

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<b>Permit No. 0210501</b> , Public Water Supply.	
Applicant	<b>Municipal Authority of the Borough of Edgeworth</b> 313 Beaver Road Sewickley, PA 15143
Township or Borough	Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs and Leet Township
Responsible Official	Anthony Lisanti, Chairperson Municipal Authority of the Borough of Edgeworth 313 Beaver Road Sewickley, PA 15143
Type of Facility	Water treatment plant
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	February 23, 2010
Description of Action	Construction of a new water storage tank, replacement of waterlines, updates to the SCADA system, improvements to the Singer pressure district, and replacement of a pump station.

<b>Application No. 2310502</b> , Public Water Supply.	
Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township	Tinicum
County	<b>Delaware</b>
Responsible Official	Marc Lucca 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	C.E.T. Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	February 12, 2010



Description of Action Installation of an on-site sodium hypochlorite generation system to replace the gaseous chlorine currently used at the Booster Pump Station.

**Application No. 0910504**, Public Water Supply.

Applicant **County of Bucks**  
 Township Doylestown  
 County **Bucks**  
 Responsible Official James C. Bailey  
 55 East Court Street  
 Doylestown, PA 18901  
 Type of Facility PWS  
 Consulting Engineer Carroll Engineering  
 949 Easton Road  
 Warrington, PA 18976  
 Application Received Date February 9, 2010  
 Description of Action The repainting of the interior and exterior of the Neshaminy Manor Water Tank.

**Application No. 0910503**, Public Water Supply.

Applicant **Plumstead Township**  
 Township Plumstead  
 County **Bucks**  
 Responsible Official Carolyn McCreary  
 P. O. Box 387  
 Plumstead, PA 18949-0387  
 Type of Facility PWS  
 Consulting Engineer Pennoni Associates, Inc.  
 2005 South Easton Road  
 Doylestown, PA 18901  
 Application Received Date February 4, 2010  
 Description of Action Construct an interconnect between the Cabin Run and Country Greene Water Supply Systems. Construct a new 575,000 gallon elevated water storage tank, and develop the existing Landis Greene Well 6 for additional water supply to the combined systems.

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

**Application No. 0910505**, Public Water Supply.

Applicant **Telford Borough Authority**  
 Township Hilltown  
 County **Bucks**  
 Responsible Official Mark D. Fournier  
 122 Penn Avenue  
 Telford, PA 18969-1912  
 Type of Facility PWS  
 Consulting Engineer CKS Engineers, Inc.  
 88 South Main Street  
 Doylestown, PA 18901  
 Application Received Date February 19, 2010

Description of Action Installation of a reduced pressure zone back flow preventer and backwash line extension from existing arsenic treatment system to a nearby sanitary sewer at Telford Borough Authority Well No. 6.

**MINOR AMENDMENT**

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

**Application No. 0310501MA, Minor Amendment.**

Applicant **Kittanning Suburban Joint Water Authority**  
 710 Tarrtown Road  
 Kittanning, PA 16210  
 Township or Borough East Franklin, North Buffalo, Sugarcreek and Washington Townships  
 Responsible Official Richard Lauer, Manager  
 Kittanning Suburban Joint Water Authority  
 710 Tarrtown Road  
 Kittanning, PA 16210  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 P. O. Box 200  
 Indianola, PA 15051  
 Application Received Date February 17, 2010  
 Description of Action Waterline project.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any

contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Pennridge South Middle School**, Sellersville Borough, **Bucks County**. Daniel Lewis, Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610 on behalf of Jeff Loeffler, Pennridge School District, 410 East Walnut Street, Perkasie, PA 18944, Robert Reinhart, Pennridge School District, 1200 North Fifth Street, Perkasie, PA 18944 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on February 7, 2010.

**Woronko Residence**, Buckingham Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 Mermaid East Lane, Glenside, PA 19038 on behalf of George Woronko, 4109 Tersher Drive, Doylestown, PA 18902 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

**Villanova University**, Radnor Township, **Delaware County**. Tony Finding, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390, Shawn Quinlan, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390 on behalf of Erika Lynch, Villanova University, 800 Lancaster Avenue, Villanova, PA 19085 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

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

**Ryan Kehl Residence**, Exeter Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Ryan Kehl, 1036 Reading Avenue, Birdsboro, PA 19508, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The site will be remediated to the Residential Statewide Health Standard and will remain residential.

**Erick Watts Residence**, Warwick Township, **Lancaster County**. West Brandywine Environmental, Inc., 16 Ashley Court, West Brandywine, PA 19320-1350, on behalf of Erick Watts, 541 Furnace Hills Park, Lot 2, Lititz, PA 17543 and D & B Associates, 100 Birchview Drive, Coatesville, PA 19320, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The site will be remediated to the Site-Specific Standard and will remain a mobile home park.

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

**Linesville Business Park**, Linesville Borough, **Crawford County**. Economic Alliance Foundation, Inc., 764 Bessemer Street, Suite 101, Meadville, PA 16335 has submitted a Notice of Intent to Remediate. Prior to 1985, materials containing trichloroethylene (TCE) and/or Cis-1, 2-dichloroethen (DCE) were spilled, leaked or otherwise released into the environment at the property. Future use of the property consists of a warehouse and light industrial business. The site is to be remediated to the Site-Specific Standard. The Notice of Intent to Remediate was published in *The Meadville Tribune* on January 31, 2010.

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

**Former Monaca Tank Farm (FUDS)**, Potter Township, **Beaver County**. Mr. Brent Graybill, USACE, 10 South Howard Street, Baltimore, MD 21201, on behalf of the Department of Defense and Potter Township, Beaver County, 206 Mowry Road, Monaca, PA 15061 has submitted a Notice of Intent to Remediate. Site contamination associated with this formerly used defense site (FUDS) entails cleaning and investigating closure alternatives for FUDS eligible underground storage tanks, associated piping and ancillary equipment. A nonresidential Site-Specific Standard will be attained.

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

**Bay Valley Foods, LLC**, City of Pittsburgh, **Allegheny County**. Groundwater and Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of Bay Valley Foods, LLC, 1080 River Avenue, Pittsburgh, PA 15212 has submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils. Notification of the combined report was published in the *Pittsburgh Post Gazette*.

#### SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

**Beneficial Use Determinations received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.**

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

The Southeast Regional Office received written notice from New Hope Borough to use coal ash as structural fill under 25 Pa. Code § 287.661. Coal ash generated from the adjacent New Hope-Ivyland Railroad vicinity will be placed for beneficial use as structural fill to construct a gravel parking lot in conjunction with the development of a pedestrian walking path; the coal ash will cover an area of 0.3 acre approximately. The site, entitled New Hope Cultural Walk, is located to the north of the New-Hope-Ivyland Railroad terminal in New Hope Borough, Bucks County. Approximately 500 cubic yards of coal ash is projected to be spread uniformly and compacted in layers not to exceed 1 foot in thickness within the parking lot area of the site. The final lift will be covered with 12 inches of soil and 6 inches of gravel. This notification is being placed to comply with the Department of Environmental Protection's requirement to publish a summary of the written notice received prior to the beneficial use of coal ash as structural fill. The required written notice was received on January 26, 2010.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified

before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

## PLAN APPROVALS

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

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

**46-0114: Henry H. Ottens Manufacturing Co., Inc.** (600A Kaiser Drive, Folcroft, PA 19032) for installation of a new savory flavor manufacturing process at their facility in Folcroft Borough, **Delaware County**. As a result of potential emissions of VOCs and NOx, the facility is a State-only facility, with restrictions or controls. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**24-169A: Modern Industries, Inc.—US Heat Treaters Division** (135 Green Road, Kersey, PA 15846) for installation of five (5) tempering furnaces and four (4) electrostatic precipitators at their facility in Fox Township, **Elk County**.

**42-223A: Tennessee Gas Pipeline Co.—Compressor Station 310** (Off of SR 146, Tax Map 29-002-300-02, Clermont, PA 16740) for construction of a compressor turbine, emergency generator, hot water boiler, and fuel preheater in Sergeant Township, **McKean County**. This is a State-only facility.

**61-218A: Tennessee Gas Pipeline Co.—Compressor Station 303** (Meadow Church Road, Map AS 08-15 Lot 71, Seneca, PA 16346) for construction of a compressor turbine, emergency generator, hot water boiler and fuel preheater in Cranberry Township, **Venango County**. This is a State-only facility.

**62-150C: Superior Tire & Rubber, Inc.** (1818 Pennsylvania Avenue West, Warren, PA 16365) for installation of a new automated adhesive spray system and increase in VOC emissions for the surface coating operation at the facility in the City of Warren, **Warren County**.

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

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



**09-0192: Waste Management of Pennsylvania, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) for operation of a bulk material handling and storage facility in Falls Township, **Bucks County**. Operations include ship or truck loading/unloading of pumice, gypsum, slag, salt or scrap steel. The only pollutant of concern at this facility is particulate matter (PM) emissions. This facility is a non-Title V facility. PM emissions will be controlled by water suppression and/or Best Management Practices for material transfer. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**07-03058A: NPC, Inc.** (13710 Dunnings Highway, Claysburg, PA 16625) for construction of two (2) heatset web offset lithographic printing presses controlled by a regenerative thermal oxidizer (RTO) at their facility in Greenfield Township, **Blair County**. Current printing operations at the facility include two sheetfed and six non-heatset offset lithographic presses. Estimated potential facility-wide volatile organic compounds and hazardous air pollutants are less than 14 tons and 1 ton per year, respectively. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**41-00079A: Eureka Resources, LLC** (301 Charles Street, South Williamsport, PA 17702) for modification of a gas well water treatment operation in Williamsport, **Lycoming County**.

The Department of Environmental Protection's (Department) review of the information submitted by Eureka Resources, LLC indicates that the air contamination sources to be constructed, which will include three mechanical vapor recompression distillation units, each unit incorporating a 1,025 horsepower, natural gas fired internal combustion engine, 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, the sulfur oxides limitation of 25 Pa. Code § 121.21, the visible emission limitation of 25 Pa. Code § 123.41 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 modification.

The emissions from the gas well water treatment operation will not exceed 22.59 tons of NO<sub>x</sub>, 29.37 tons of CO, 3.78 tons of VOCs, 0.08 ton of SO<sub>x</sub>, 1.20 tons of PM<sub>10</sub>, 1.33 tons of total HAPs and 0.15 ton of formaldehyde per year.

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 restrictions to limit the emission of NO<sub>x</sub>, CO, VOCs, SO<sub>x</sub>, PM<sub>10</sub> and HAPs.

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

Recordkeeping 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.

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

**62-163A: IA Construction** (158 Lindsay Road, Zelenople, PA 16063) for a plan approval to construct a sand and gravel wet processing plant, associated with an existing noncoal surface mining operation (Permit No. 62010302) in Pittsfield Township, **Warren County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a sand and gravel wet processing plant, associated with an existing noncoal surface mining operation (Permit #62010302), located in Pittsfield Township, Warren County.

The rated and maximum capacity of production is 350 tons per hour. The maximum operating schedule proposed is 2,820 hours annually with a production capacity of 525,000 tons per year. The plant is powered by electric.

These sources are subject to Federal NSPS Regulations, 40 CFR Part 60, Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plant. Conditions in the General Permit No. 3 for Non-metallic Mineral are considered BAT for the permanent and portable plants and have been included in this Plan Approval. This Plan Approval is also subject to 25 Pa. Code Regulations and Conditions.

Emissions from the processing plant will not exceed:

Source	PM TPY	PM-10 TPY
Crushing/Screening Plant	37.80	13.50
Roads	59.67	15.205
<b>TOTAL</b>	<b>97.47</b>	<b>28.71</b>

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

## OPERATING PERMITS

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

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

**67-05022: Leisters Furniture, Inc.** (433 Ridge Avenue, Hanover, PA 17331) for their wood furniture manufacturing operation in Hanover Borough, **York County**. This is a renewal of a Title V operating permit issued in 2005. (Hanlon)

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Facilities Permitting Chief—Telephone: 570-327-0512.*

**53-00002: Transcontinental Gas Pipeline Co.** (P. O. Box 1396, Houston, TX 77251-1396) for renewal of the Title V Operating Permit (TVOP) for Station 535 in Hebron Township, **Potter County**. The facility is currently operating under Title V Operating Permit 53-00002 which was issued March 2, 2005. The facility's main air contaminant sources include five (5) compressor engines (reciprocating type), emergency engine-generator, three (3) field heaters, boiler, two (2) regenerative heaters, storage tanks, parts washer, and pipeline valves and flanges. All combustion sources are fired on natural gas. The facility is a major facility and a major source of hazardous air pollutants. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with all Federal and State regulations.

**41-00001: Transcontinental Gas Pipeline Co.** (P. O. Box 1396, Houston, TX 77251-1396) for renewal of the Title V Operating Permit (TVOP) for Station 520 in Mifflin Township, **Lycoming County**. The facility is currently operating under Title V operating permit 41-00001 which was issued February 17, 2005. The main air contaminant sources at the facility are emergency engine-generator, heaters, boiler, heaters, pipeline valves and flanges which contribute fugitive emissions, five (5) compressor engines (reciprocating type), and two (2) compressor engines (turbine type). All combustion sources are fired on natural gas. The facility is a major facility and a major source of hazardous air pollutants. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with all Federal and State regulations.

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

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

**48-00086: Bethlehem Apparatus Company, Inc.** (890 Front Street, Hellertown, PA 18055) for operation of mercury retort recovery in Hellertown Borough, **Northampton County**. This is an initial State-only Natural Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**48-00070: Lamson & Sessions** (25701 Science Park Drive, Cleveland, OH 44122) for manufacture of rigid polyvinyl chloride (PVC) by means of an extrusion process, in Upper Nazareth Township, **Northampton County**. This is an initial State-only Natural Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and

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

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

**67-05107: Crown Cork and Seal Co. USA, Inc.** (1650 Broadway, Hanover, PA 17331-8118) for operation of their can manufacturing facility in Penn Township, **York County**. This is a renewal of the State-only operating permit issued in 2005. (Hanlon)

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

**08-00023: Faithful Companions Pet Cemetery** (R. D. 2, Box 210, Ulster, PA 18850) for their pet cremation facility in Smithfield Township, **Bradford County**. The facility's main sources include three (3) natural gas fired animal crematory incinerators. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**17-00019: Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830) for their coal processing facility in Lawrence Township, **Clearfield County**. The facility's main sources include a coal processing operation, coal rail car loading operation and site haul roads. The facility has the potential to emit particulate matter (PM and PM<sub>10</sub>) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**41-00047: Wildwood Cemetery Co.** (1151 Cemetery Street, Williamsport, PA 17701-1605) for issuance of a State-only operating permit for operation of their facility in the Loyalsock Township, **Lycoming County**.

The facility incorporates two propane-fired human crematories each having a maximum heat input rating of 2.116 mmBtu/hr; one 0.055 mmBtu/hr propane-fired space heater, two No. 2 fuel oil-fired space heaters each with a heat input rating of 0.0375 mmBtu/hr, and one 0.105 mmBtu/hr No. 2 fuel oil-fired furnace; four 1,000 gallons each underground propane storage tanks, one 500 gallon No. 2 fuel oil tank, one 1,000 gallon No. 2 fuel oil tank, and one 240 gallon gasoline tank.

The facility has the potential to emit up to 0.82 of PM/PM<sub>10</sub>, no HAPs, 0.44 ton of SO<sub>x</sub>, 1.28 tons of NO<sub>x</sub>, 0.05 ton of VOCs and 0.54 ton of CO per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to issue State-only Operating Permit 41-00047. The Department intends to incorporate into the operating permit all conditions currently contained in Operating Permit 41-00047.

**19-00002: Foam Fabricators, Inc.** (7050 Columbia Boulevard, Bloomsburg, PA 17815) for issuance of a



State-only (synthetic minor) operating permit for operation of its Bloomsburg facility in South Centre Township, **Columbia County**.

The facility incorporates one 14.29 mmBtu/hr natural gas-fired boiler, 15 natural gas-fired space heaters with a combined heat input of 1.125 mmBtu/hr, one pre-expander, one bag storage—pre-puff area, 10 molding machines, one warehouse—post-molding area, one 30 gallon parts washer.

The facility has the potential to emit up to 1.03 tons of PM/PM10, 0.26 ton of HAPs, 0.08 ton of SO<sub>x</sub>, 9.48 tons of NO<sub>x</sub>, 49.99 tons of VOCs and 10.87 tons of CO per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to issue State-only (Synthetic Minor) Operating Permit 19-00002. The Department intends to incorporate into the operating permit all conditions currently contained in Operating Permit 19-00002.

### OPERATING PERMITS

#### PUBLIC HEARINGS

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

**06-05069: East Penn Mfg. Co., Inc.** (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for approval of a Reasonably Available Control Technology (RACT) Plan for the various lead/acid storage battery assembly plants at their facility in Richmond Township, **Berks County**.

The Department of Environmental Protection will hold a public hearing for the approval of a RACT Plan for the various lead/acid storage battery assembly plants at their facility in Richmond Township, Berks County. The plan is for the control of NO<sub>x</sub> and VOC emissions from the various source involved in the manufacturing process. The plan calls for the limitation of these emissions by the use of good combustion control and a limit on the total amount of fuels used by the facility.

The pertinent documents concerning this plan are available at the Reading District Office. Reviews may be scheduled by contacting the office by telephone (610-916-0100) between 8:30 a.m. and 3:30 p.m. Monday through Friday, except holidays.

One public hearing will be held on April 6, 2010, from 9 a.m. until all scheduled comments on the proposal are received in the Reading District Office, 1005 Cross Roads Boulevard, Reading, PA 19605. Persons interested in submitting comments should notify Roger A. Fitterling by telephone (610-916-0100) at the Reading District Office to reserve time. Two written copies of the comments to be presented shall be sent to the office no later than March 30, 2010. All groups or organizations are requested to designate one witness to present all testimony. Oral testimony will be limited to 10 minutes.

The Department will continue to receive written testimony for 2 weeks after the hearing. (Hanlon)

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35

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

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

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

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

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

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

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

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

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining

that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

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

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

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

#### *Coal Applications Received*

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

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

**03871303 and NPDES Permit # PA0213667, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Darmac No. 2 Deep Mine in Plumcreek Township, **Armstrong County**, and Washington and Armstrong Townships, **Indiana County** to add underground permit and subsidence control plan area acres and to delete and correct permitted acreage. Underground Acres Proposed 712.0, Subsidence Control Plan Acres Proposed 712.0. No additional discharges. Application received: January 4, 2010.

**32961302 and NPDES Permit # PA0214949, AMFIRE Mining Company, Inc.**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to add acreage to the underground permit and subsidence control plan area. Underground Acres Proposed 223.2, Subsidence Control Plan Acres Proposed 218.1. No additional discharges. The first downstream potable water supply intake from the point of discharge is

Central Indiana County Authority, and intake Yellow Creek. Application received: November 23, 2009.

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

**11040102 and NPDES No. PA0249688. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Chest Township, **Cambria County**, affecting 136.0 acres. Receiving stream(s): unnamed tributaries to/and Witmer Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 21, 2010.

**56040104 and NPDES No. PA0249599. AMFIRE Mining Company, LLC**, One Energy Place, Suite 7500, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 100.2 acres. Receiving stream(s): unnamed tributaries to/and Flat Run, unnamed tributaries to/and Gum Run, Roaring Run, Quemahoning Creek and Stonycreek River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. Application received: January 15, 2010.

**32940109 and NPDES No. PA0212954. KMP Associates, Inc.**, 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a

bituminous surface and auger mine in Young Township, **Indiana County**, affecting 133.1 acres. Receiving stream(s): unnamed tributary to/and Whisky Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 7, 2010.

**11070101 and NPDES No. PA0262285. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface mine from RJ Coal Company, P. O. Box 277, LaJose, PA 15753, located in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving stream(s): Chest Creek; Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2010.

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

**17803045 and NPDES No. PA0176969. River Hill Coal Co., Inc.** (P. O. Box 141, 48 Memorial Road, Kylertown, PA 16847). Revision to an existing bituminous surface mine located in Karthaus Township, **Clearfield County** affecting 150.8 acres. Revision is due to deviations from approximate original contour. Receiving streams: unnamed tributary of Upper Three Runs, and Upper Three Runs, and unnamed tributary of Saltlick Run, and Saltlick Run to West Branch Susquehanna River to Susquehanna River. Application received: February 5, 2010.

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

**40050201R. HUD, Inc., t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in

Nanticoke City and Newport Township, **Luzerne County** affecting 83.6 acres, receiving stream: none. Application received: February 8, 2010.

**40050201C2. HUD, Inc., t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), correction to change the post mining land use from forestland to commercial land use on an existing anthracite coal refuse reprocessing operation in Nanticoke City and Newport Township, **Luzerne County** affecting 83.6 acres, receiving stream: none. Application received: February 8, 2010.

**19793201R5. Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an exiting anthracite coal refuse reprocessing operation in Conyngham Township, **Columbia County** affecting 3.4 acres, receiving stream: none. Application received: February 17, 2010.

**54840205R5. Heging Mining Company**, (290 Swatara Road, Tremont, PA 17981), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Reilly Township, **Schuylkill County** affecting 63.6 acres, receiving stream: none. Application received: February 17, 2010.

**54030102C. Timber Coal Co., LLC**, (P. O. Box 188, Sacramento, PA 17968), correction of an existing anthracite surface mine and coal refuse disposal operation to add 16.7 acre in Hegins and Porter Townships, **Schuylkill County** affecting 316.7 acres, receiving stream: East Branch Rausch Creek. Application received: February 17, 2010.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**4775SM10 and NPDES No. PA0596639. Hanson Aggregates Pennsylvania, Inc.** (850 Boalsburg Road, Boalsburg, PA 16827). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in College Township, **Centre County**. Receiving stream: Spring Creek classified for High Quality Cold Water Fishery. Application received: February 16, 2010.

**14920302 and NPDES No. PA0596680. Hanson Aggregates Pennsylvania, Inc.** (850 Boalsburg Road, Boalsburg, PA 16827). Renewal of the NPDES Permit for

discharges of treated mine drainage from a quarry operation in Potter Township, **Centre County**. Receiving stream: Lick Run classified for High Quality Cold Water Fishery. Application received: February 16, 2010.

**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.

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**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)).**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E64-248. Bunnell Recycling Center, Inc.**, 267 Tyron Street, Honesdale, PA 18431, in Berlin Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a *de minimis* area of PEM/SS/FO wetlands less than 0.05 acre for the purpose of site grading for municipal waste storage pads associated with the Bunnell Recycling Center. The project is located directly south of Dragon Keeps Road, approximately 0.5 mile southwest of the intersection of T-486 (Rosencranse Road) and SR 652 (Beach Lake Highway) (White Mills, PA Quadrangle Latitude: 41° 35' 23"; Longitude: -75° 9' 28") in Berlin Township, Wayne County.

**E13-162. Jonathan Schumada**, 610 East Princeton Avenue, Palmerton, PA 18071, in Palmerton Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a *de minimis* area of PEM/SS wetlands of less than 0.05 acre for the purpose of site grading and to eliminate a mosquito breeding area on a 0.32 acre residential lot. The project is located on Lot 39, directly east of the intersection of 5th Street (Sand Quarry Road) and Columbia Avenue, approximately 3.1 miles northwest of the intersection of SR 248 and SR 946 (Palmerton, PA Quadrangle Latitude: 40° 48' 31"; Longitude: -75° 36' 13") in Palmerton Borough, Carbon County.

**E45-551. Brodhead Creek Regional Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the placement of 480-LF, 5-foot thick, R-8 riprap with geotextile fabric along the right bank of the West Branch of Brodhead Creek (HQ-CWF) to stabilize an area of streambank erosion; and 680-LF downstream to construction and maintain the placement of 640-LF, 5-foot thick, R-8 riprap and geotextile fabric along the right bank of the West Branch of Brodhead Creek (HQ-CWF) to stabilize an area of streambank erosion for the purpose of protecting an existing water supply intake structure and dam area associated with the Brodhead Creek Regional Authority drinking water treatment facility. The project is located directly east of Youngwood Drive, approximately 2,400 foot east of the intersection of SR 191 (North 5th Street) and SR 2022 (Stokes Avenue) (East Stroudsburg, PA Quadrangle Latitude: 41° 1' 0"; Longitude: -75° 12' 0") in Stroud Township, Monroe County.

**E40-705. Mr. Jay Crossin**, 208 Union Street, Kingston, PA 18704-2840, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain an 800 square foot, pile-supported boathouse extending approximately 74-feet from the shoreline of Harveys Lake (HQ-CWF); and to construct and maintain an adjoining 700 square foot, pile-supported dock extending approximately 96-feet from the shoreline of Harveys Lake for the purpose of creating a personal recreational structure at the property located at "Pole # 9." The project is located on the west side of Lakeside Drive adjacent to Donegall Hill Road, approximately 2.3 miles north west of the intersection of SR 415 and SR 118 (Harveys Lake, PA Quadrangle Latitude: 41° 21' 19"; Longitude: -76° 1' 57") in Harveys Lake Borough, Luzerne County (Harveys Lake Borough, PA Quadrangle Latitude: 41° 21' 19"; Longitude: -76° 1' 57").

**E45-533A. Pocono Township Supervisors**, P. O. Box 197, Tannersville, PA 18372, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with an amendment to the previously permitted Pocono and Hamilton Township's Sewerage System Project, which authorized the construction and maintenance of a 7 mile long central sanitary sewage collection system to serve the SR 0611 and SR 715 corridor. The project begins at the intersection of SR 0611 and SR 314 (Mount Pocono, PA Quadrangle Latitude: 41° 5' 39"; Longitude: -75° 19' 39") in Pocono Township, Monroe County. The project end 0.6 mile northwest of the intersection of I-80 and SR 33 (Mount Pocono, PA Quadrangle Latitude: 41° 0' 7"; Longitude: -75° 16' 33") in Hamilton Township, Monroe County.

1) A 20" diameter PVC sanitary sewer force main crossing of a Tributary to Pocono Creek (HQ-CWF) (Latitude: 41° 0' 12"; Longitude: -75° 16' 04") in Stroud Township.

2) A 20" diameter PCV sanitary sewer force main crossing of a Tributary to Pocono Creek (HQ-CWF) (Latitude: 41° 6' 12"; Longitude: -75° 16' 04") in Stroud Township.

3) A 20" diameter PCV sanitary sewer force main crossing of a Tributary to Pocono Creek (HQ-CWF) (Latitude: 41° 0' 9"; Longitude: -75° 15' 56") in Stroud Township.

4) A 20" diameter concrete encased PVC sanitary sewer force main crossing of Wigwam Run (HQ-CWF) with temporary stream impacts of 0.01 acre (Latitude: 40° 59' 57"; Longitude: -75° 15' 28") in Stroud Township.

5) A 20" diameter concrete encased PVC sanitary sewer force main crossing of Flagler Run (HQ-CWF) and approximately 51' of EV, PFO wetlands with temporary wetland impacts of 0.02 acre and temporary stream impacts of 0.02 acre (Latitude: 40° 59' 45"; Longitude: -75° 14' 1") in Stroud Township.

6) A 20" diameter PVC sanitary sewer force main crossing of Big Meadow Run (HW-CWF) (Latitude: 40° 59' 36"; Longitude: -75° 12' 40") in Stroud Township.

7) A 20" diameter PVC sanitary sewer force main crossing of a Tributary to Brodhead Creek (TS-MF, CWF) (Latitude: 40° 59' 50"; Longitude: -75° 12' 8") in Stroud Township.

8) A 20" diameter PVC sanitary sewer force main crossing of a Tributary to Brodhead Creek (TS-MF, CWF) (Lat: 40° 59' 41"; Long: -75° 11' 39") in Stroud Township.

**E35-425. Ken Powell**, 1305 Justus Boulevard, Clarks Summit, PA 18411, in Archbald Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill an area of isolated wetland equal to 3.93 acres for the purpose of site development. The project is located at the intersection of Eynon Jermyn Road (SR 1023) and Columbus Drive (Carbondale and Olyphant, PA Quadrangle Latitude: 41° 30' 29"; Longitude: -75° 33' 42").

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

**E06-652: MB Investments, Pasquale Mascaro**, 2650 Audubon Road, Audubon, PA 19403, Amity Township, **Berks County**, ACOE Philadelphia District.

To place and maintain fill in 0.087 acre of PEM wetlands and 5,904.0 cubic feet of fill in 55.0 feet of an unnamed tributary to the Schuylkill River (WWF). To construct and maintain (3) three 1.0-foot depressed, 24.0-inch diameter CPE culvert pipes in an unnamed tributary to the Schuylkill River (WWF) and (2) two 1.0-foot depressed, 24.0-inch diameter CPE culvert pipes and 84,524.0-cubic feet of fill in 345.0-feet of an unnamed tributary to the Schuylkill River (WWF) all for the purpose of constructing a motorcycle park (Birdsboro, PA Quadrangle 4.34 inches North; 5.19 inches West, Latitude: 40° 16' 26" N; Longitude: 75° 47' 14" W) located off of SR 422 East in Amity Township, Berks County.

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

**E14-529. Aquillas S. Peachey**, 2806 East Valley Road, Loganton, PA 17747-9648. Timbering Bridge, in Miles Township, **Centre County**, ACOE Baltimore District (Madisonburg, PA Quadrangle N: 40° 57' 5.6"; W: 77° 31' 38.9").

To construct and maintain: 1) a 30-foot by 12-foot manufactured steel beam portable bridge with a wood deck, an 18-foot clear span, and a 26-inch underclearance over Laurel Run; 2) a 100 foot long rock lined road-side ditch that outlets into Laurel Run at the upstream left edge of the bridge, for the purpose of permanently maintaining an existing bridge for future timbering and taking care of wildlife food plots. This bridge crossing replaced a pre-existing power line ford and has impacted 15 linear feet of Laurel Run, which is classified as a High Quality-Cold Water Fishery.

#### ENVIRONMENTAL ASSESSMENTS

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

**D35-130EA. Mr. Frank Wanat**, 223 Route 106, Greenfield Township, PA 18047. Greenfield Township, **Lackawanna County**, ACOE Greenfield Township, Lackawanna County.

Project proposes to breach and remove Wanat Dam across Dundaff Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 feet of stream channel. The dam is located approximately 1,950 feet east of the intersection of SR 106 and Lees Road (T572) (Clifford, PA Quadrangle Latitude: 41° 38' 06"; Longitude: -75° 34' 23").

#### DAM SAFETY

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

**Consol PA Coal Company**, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. Consol PA Coal Company is proposing to construct two jurisdictional dams (one slurry dam and one sediment basin) within the Coal Refuse Disposal Area No. 5. The total disposal area will impact 5.39 acres of wetlands (PEM/PFO) and 22,270 lineal feet of stream, providing a minimum of 5.39 acres of replacement wetlands and appropriate stream compensation.

**D30-073. Bailey No. 5 Sedimentation Pond.** To construct, operate and maintain Bailey No. 5 Sedimentation Pond across Owens Run (WWF) for the purpose of providing sediment control for the disposal area (Wind Ridge, PA Quadrangle N: 13.2 inches; W: 6.3 inches) Richhill Township, **Greene County**.

**D30-075. Bailey No. 5 Slurry Impoundment.** To construct, operate and maintain Bailey No. 5 Slurry Impoundment across Owens Run (WWF) for the purpose of disposal of coal refuse (Wind Ridge, PA Quadrangle N: 13.3 inches; W: 6.6 inches) Richhill Township, **Greene County**.

**D06-350A. Reading Area Water Authority**, 815 Washington Street, Room 121, Reading, PA 19061. To modify, operate and maintain the Lake Ontelaunee Dam across the Maiden Creek (WWF), impacting 50 linear feet of the stream channel, for the purpose of rehabilitating the dam to comply with the Department of Environmental Protection regulations (Temple, PA Quadrangle N: 13.1 inches; W: 7.9 inches) in Ontelaunee Township, **Berks 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.

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**I. NPDES Renewal Permit Actions**


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*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>
PA0088072 (IW)	Stericycle, Inc. 1525 Chestnut Hill Road R. R. 1 Box 364 Morgantown, PA 19543	Berks County Robeson Township	Hay Creek 3-C	Y
PA0012211 (IW)	Boyertown Foundry Company P. O. Box 443 New Bernville, PA 19545	Berks County Colebrookdale Township	UNT Swamp Creek 3-E	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>
PA0112755	SFTF serving Robson's residence R. D. 1 Gaines, PA 16921	Gaines Township Tioga County	Unnamed Tributary to Pine Creek 9A	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>
PA0103543	Historical and Museum Commission Pithole Visitor Center P. O. Box 1026 Harrisburg, PA 17108-0126	Cornplanter Township Venango County	Unnamed tributary to Pithole Creek 16-E	Y

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

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

**NPDES Permit No. PA0053201**, Sewage, **Roy Ann Diner, Inc.**, 1318 Route 309, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 4,500 gpd of treated sewage into the Three Mile Run in Watershed 2D.

**NPDES Permit No. PA0244163, Amendment 1**, Industrial Waste, **World Color (USA), LLC**, 4581 Lower Valley Road, Atglen, PA 19310. This proposed facility is located in West Sadsbury Township, **Chester County**.

Description of Proposed Action/Activity: Permit transferred from Quebecor World Atglen, Inc. to World Color (USA), LLC.

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

**NPDES Permit No. PA0261408**, Sewage, **Ross F. Garner**, 343 East Louther Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Wertzville Run in Watershed 7-B.

**NPDES Permit No. PA0088404**, CAFO, **Phil Kulp, Kulp Family Dairy, LLC**, 1691 Millerstown Road, Martinsburg, PA 16662. This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to operate a 3,651-AEU dairy operation located in Watershed 11-A.

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

**NPDES Permit No. PA0002135**, Industrial Waste, **Calumet Penreco, LLC**, 138 Petrolia Street, Karns City, PA 16041. This proposed facility is located in Karns City Borough, **Butler County**.

Description of Proposed Action/Activity: Issuance of a renewal of an NPDES Permit, for an existing discharge of treated industrial waste, treated stormwater and untreated stormwater from a producer of white mineral oils, petrolatums, petroleum specialty kerosene solvents, petroleum sulfonates and communication cable water blocking agents. This is a major discharge.

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

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

**WQM Permit No. 4009406**, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for three new additions consisting of a low pressure sanitary sewer system, individual lot grinder pumps with laterals, air release valves, cleanouts and pumping stations in the Eagle Rock development (The Timbers, The Woodlands and The Vistas).

**WQM Permit No. 5409401**, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in East Union and North Union Townships, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for low pressure sewage collection and conveyance facilities in the Western Summit South Section of the Eagle Rock Resort.

**WQM Permit No. 4009407**, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Black Creek and Hazle Townships, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for sewage collection and conveyance facilities in The Ridge's, Valley View and JA East sections and the Valley View Interceptor.

**WQM Permit No. 4009405**, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for low pressure sewage collection system for Laurel Valley and Highlands sections of Eagle Rock, Laurel Valley Pump Station No. 1 and No. 2 and The Highlands Pump Station and the Valley View Interceptor.

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

**WQM Permit No. 2109408**, Sewerage, **Ross F. Garner**, 343 East Louther Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment facility with septic tank, peat filter, and chlorine disinfection with discharge to Wertzville Run. System will serve their single family residence.

**WQM Permit No. 3809405**, Sewerage, **Lancaster Family YMCA**, 265 Harrisburg Avenue, Lancaster, PA 17603. This proposed facility is located in Cornwall Borough, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of a 0.004 MGD Orenco AdvanTex advanced packed-bed filter treatment.

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

**WQM Permit No. 6374419-A5**, Sewerage, **Washington-East Washington Joint Authority**, 60 East Beau Street, P. O. Box 510, Washington, PA 15301. This existing facility is located in South Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

**NPDES WQM Permit No. 4208402**, Sewerage, **Amendment No. 1, Norwich Township**, 3853 West Valley Road, Smethport, PA 16749. This proposed facility is located in Norwich Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of an Amendment Permit for modifying the initial design of the low pressure sewer collection system based pump specification changes, and approval of design modifications to the new STP.

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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 1509039	Jack Kajanjian 2235 Sproul Road Broomall, PA 19008	Chester	Willistown Township	West Tributary Crum Creek and Crum Creek EV
PAI01 23309006	Greek Orthodox Community of Chester, PA 30 East Forge Road Media, PA 19063	Chester	Middletown Township	Rock Run HQ-CWF-MF
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309004	Green Energy Capital, LLC 319 Barren Hill Road Suite 400 Conshohocken, PA 19248	Carbon	Nesquehoning Borough	Broad Run HQ-CWF, MF Deep Run EV, MF Nesquehoning Creek CWF, MF
PAS10S123-1	Shawnee Development, Inc. 8427 South Park Circle Orlando, FL 32819	Monroe	Smithfield Township Middle Smithfield Township	Shawnee Creek HQ-CWF, MF
PAI023909004	Cedar-Trexler Hamilton, LLC 3307 Trindle Road Camp Hill, PA 17011	Lehigh	Upper Macungie Township	Tributary to Iron Run HQ-CWF, MF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023509002	Lackawanna County Attn: William Davis McDade Park 1 Bald Mountain Road Scranton, PA 18504-9779	Lackawanna	Covington Township	Roaring Brook HQ-CWF, MF
PAI024809005	Equi-librium, Inc. P. O. Box 305 Sciota, PA 18354	Northampton	Bushkill Township	Bushkill Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805005-R	John T. Hoover Spring Valley Estates, LLC 2000 Powell Drive Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch HQ-CWF
PAI032108015	Carson Ritchie 801 North Hanover Street Carlisle, PA 171013	Cumberland	South Middleton Township	Letort Spring Run HQ-CWF
PAI000109001	Tom Kalathas 431 Mower Road Chambersburg, PA 17201	Adams	Franklin Township	Carbaugh Run HQ-CWF
PAI030708001	Chestnut Flats Wind, LLC One South Broad Street 30th Floor Philadelphia, PA 19107	Blair	Logan Township	Mill Run-Dry Gap Run HQ-CWF

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

*Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044108001	Robert J. Charlebois Laurel Hill Wind Energy, LLC 71 Allen Street Suite 101 Rutland, VT 05701-4570	Lycoming	Jackson and McIntyre Townships	Blockhouse Creek CWF Little Pine Creek CWF Roaring Branch Run HQ-CWF Grays Run HQ-CWF Long Run HQ-CWF Frozen Run HQ-CWF Red Run CWF Lycoming Creek CWF

*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 0642 08 002(1)	Norwich Township 3853 West Valley Road Smethport, PA 16749	McKean	Norwich Township	Potato Creek TSF

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

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



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

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

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

<i>Municipality &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>
Hilltown Township Bucks County	PAG200 0909091	Chester Chrzanowski 2505 Spring Creek Road Lansdale, PA 19446	Perkiomen and Neshaminy Creeks TSF-MF WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG200 0909105	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Pidcock and Mill Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG200 0909090	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Neshaminy Creek WWF-TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG200 0909081	DKP Properties, LLC 38 Covington Lane Voorhees, NJ 08043	Unnamed Tributary Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2309004	Canuntum Associates, LP 550 American Avenue Suite 1 King of Prussia, PA 19406	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAG0200 4609072	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG0200 4609107	JBS Souderton, Inc. 249 Allentown Road Souderton, PA 18964	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4608110-1	Oak Tree Industrial Associates 2880 Bergey Road Hatfield, PA 19440	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

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<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>
Limerick Township Montgomery County	PAG0200 4606138-1	Limerick PF, LTD 401 South Schuylkill Avenue Norristown, PA 19403	Unnamed Tributary Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Red Hill Borough Montgomery County	PAG0200 4609079	Upper Perkiomen School District 2229 East Buck Road Suite 2 Pennsburg, PA 18073	Unnamed Tributary Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Norristown Borough Montgomery County	PAG0200 4606107-1	Norristown Borough 235 East Airy Street Norristown, PA 19401	Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4608137-1	Whitemarsh Township 616 Germantown Pike Lafayette Hill, PA 19444	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4607117-1	Oak Tree Industrial Associates 2880 Bergey Road Suite D Hatfield, PA 19440	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4609108	Upper Providence Township 1286 Black Rock Road Oaks, PA 19456	Unnamed Tributary Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4608072	10 Union Avenue Associates, LP 33 Rock Hill Road Suite 200 Bala Cynwyd, PA 19004	Schuylkill River CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109024	Philadelphia Water Department Aramark Tower 2nd Floor 1101 Market Street Philadelphia, PA 19017	Wises Mill and Cathedral Runs TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109041	T. Roderick Henkels 301 Rex Avenue Philadelphia, PA 19118	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Palmer Township Northampton County	PAG2004809007	Abraham Atiyeh 1177 Sixth Street Whitehall, PA 18052	Lehigh River WWF, MF	Northampton County Conservation District 610-746-1971
Leacock Township Lancaster County	PAG2003610002	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Pequea Creek-Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003610003	Elizabethtown Area School District 600 East High Street Elizabethtown, PA 17022	UNT to Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
West Lampeter Township Lancaster County	PAG2003610004	Harvest Presbyterian Church P. O. Box 309 Lampeter, PA 17537	UNT to Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003610005	Brookfield Development Corp. 227 Granite Run Drive Suite 100 Lancaster, PA 17601	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Lititz Borough Lancaster County	PAG2003610006	Moravian Manor 300 West Lemon Street Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609049	Norfolk Southern Railway Co. 110 Franklin Road SE Box 13 Roanoke, VA 24042	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609050	Lancaster County Solid Waste Management Authority 1299 Harrisburg Pike P. O. Box 4425 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609051	Franklin & Marshall College P. O. Box 3033 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG2003609062	Ketterline, Inc. 3121A Mount Joy Road Mount Joy, PA 17552	Conestoga River WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Muncy Creek Township Lycoming County	PAG2004110001	Leakas Quality Foods, Inc. Wendy's Restaurant 629 N. Derr Drive Lewisburg, PA 17837	Glade Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
East Buffalo Township Union County	PAG2006010002	Todd Ross P. O. Box 70 Montandon, PA 17850	Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860

<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>
East Buffalo Township Union County	PAG2006010003	James D. Hostetler Bucknell University Physical Plant Lewisburg, PA 17837	UNT to Millers Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Fayette County Menallen Township	PAG2 002604036R	Frank Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Unnamed Tributary to Redstone Creek WWF	Fayette County Conservation District 724-438-4497
Indiana County White Township	PAG02 003210001	Center for Orthopaedics & Sports Medicine Thomas G. Honaker, III 1265 Wayne Avenue Indiana, PA 15701	Marsh Run CWF	Indiana County Conservation District 724-471-4751
Erie County Millcreek Township	PAG02002509015	Ridgebury Apartments, LLC 502 East 12th Street Erie, PA 16509	Lake Ere CWF	Erie County Conservation District 814-825-6403
<i>General Permit Type—PAG-3</i>				
<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 West Manchester Township	PAR123527	Frito-Lay, Inc. 3553 Gillespie Drive York, PA 17404	UNT to Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Huntingdon County Carbon Township	PAR603573	John D. Bollman Bollman's Auto Salvage 2082 Broadtop Mountain Road Saxton, PA 16678	Shoup Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Harrisburg City	PAR213511	Penny Supply, Inc. P. O. Box 3331 Harrisburg, PA 17106-3331	Paxton Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Richmond Township Tioga County	PAR314802	TETRA Technologies, Inc. 11 Pearl Street Wellsboro, PA 16901	Unnamed Tributary to North Elk Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Upper Augusta Township Northumberland County	PAR214812	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Susquehanna River WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Coal Township Northumberland County	PAR214807	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Shamokin Creek CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664



*Facility Location:  
Municipality &  
County*

<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>
Penn Township Snyder County	PAR214823	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Middle Creek CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Lewisburg Borough Union County	PAR214811	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Limestone Run WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Berwick Borough Columbia County	PAR214808	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Susquehanna River CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Delaware Township Northumberland County	PAR214809	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Muddy Run WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Point Township Northumberland County	PAR214810	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Susquehanna River CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<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 Carroll Township	PAG043898	Manolo and Rosalie Calvo 103 Warrington Road Dillsburg, PA 17019	Unt Stone Run CWF 7F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Exeter Township	PAG043631	Jaime Kirlin 5454 Oley Turnpike Road Reading, PA 19606	UNT of Monocacy Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Contact Office &amp; Phone No.</i>
Conemaugh Township Indiana County	Redevelopment Authority of the City of Johnstown 241 Asphalt Road Johnstown, PA 15901	Zatezalo Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 2209503**, Public Water Supply.

Applicant	<b>Halifax Area Water &amp; Sewer Authority</b>
Municipality	Halifax Township
County	<b>Dauphin</b>
Responsible Official	Fred L. Ford, Chairperson P. O. Box 443 Halifax, PA 17032
Type of Facility	Construction of a new treatment building for Well No. 4 with chlorine contact piping for 4-log virus inactivation.
Consulting Engineer	Harry E. Bingaman, P. E. Glace Assoc., Inc. 3705 Trindle Road Camp Hill, PA 17011
Permit to Construct Issued:	2/22/2010

**Permit No. 2809503**, Public Water Supply.

Applicant	<b>Shippensburg Borough Authority</b>
Municipality	Lurgan Township
County	<b>Franklin</b>
Responsible Official	William W. Wolfe, Manager 111 North Fayette Street P. O. Box 129 Shippensburg, PA 17257-0129
Type of Facility	Construction of an air scour system and a powdered activated carbon system at the Gunther Valley plant.
Consulting Engineer	Peter Lusardi, P. E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	2/16/2010

**Permit No. 0609515**, Public Water Supply.

Applicant	<b>Reading Area Water Authority</b>
Municipality	Ontelaunee Township
County	<b>Berks</b>
Responsible Official	Dean Miller, Executive Director 815 Washington Street Reading, PA 19601
Type of Facility	Replacing existing and adding an additional (spare) raw water pump for the Authority's emergency source of supply.
Consulting Engineer	Max C. Kurbjun, Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth Meeting, PA 19462
Permit to Construct Issued:	2/16/2010

**Permit No. 6710501 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Webb's MHP</b>
Municipality	Lower Chanceford Township
County	<b>York</b>
Responsible Official	Michael A. Kern Consultant/Operator for Webb's MHP 851 Roth Church Road Spring Grove, PA 17362
Type of Facility	Replace iodine disinfection with sodium hypochlorite to meet 4-log groundwater rule.
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	2/16/2010

**Permit No. 3810501 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>South Mountain Spring Water Company</b>
Municipality	South Lebanon Township
County	<b>Lebanon</b>
Responsible Official	Ed Cox, Owner 317 North Adademy Lane Ephrata, PA 17522
Type of Facility	Replacement of an existing 7,000 gallon above ground stainless steel storage tank with a 10,000 gallon stainless steel storage tank.
Consulting Engineer	Edward E. Davis, P. E. Forino Co., LP 555 Moutain Spring Road Sinking Spring, PA 19608
Permit to Construct Issued:	2/19/2010

**Operations Permit** issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 4407501.

**Operations Permit** issued to **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 0608511 MA.

**Operations Permit** issued to **Borough of Gratz**, 7220005, Gratz Borough, **Dauphin County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 2210501 MA.

**Operations Permit** issued to **Strasburg Water Treatment Plant**, 7360118, Strassburg Township, **Lancaster County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 3610502 MA.

**Operations Permit** issued to **Walker Township Municipal Authority**, 4310038, Walker Township, **Huntingdon County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 3109503 MA.

**Operations Permit** issued to **Millerstown Area Authority**, 7220034, Upper Paxton Township, **Dauphin County** on 2/11/2010 for the operation of facilities approved under Construction Permit No. 2209513 MA.

**Operations Permit** issued to **Quincy Village**, 7280025, Quincy Township, **Franklin County** on 2/22/2010 for the operation of facilities approved under Construction Permit No. 2810502.

**Operations Permit** issued to **Aqua PA Geigertown**, 3060030, Robeson Township, **Berks County** on 2/12/2010 for the operation of facilities approved under Construction Permit No. 0610503 E.

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

**Permit No. 4110501—Construction**, Public Water Supply.

Applicant	<b>Lycoming County Water and Sewer Authority</b>
Township or Borough	Muncy Creek Township
County	<b>Lycoming</b>
Responsible Official	Christine Weigle Lycoming County Water and Sewer Authority P. O. Box 186 216 Old Cement Road Montoursville, PA 17754
Type of Facility	Public Water Supply—Construction
Consulting Engineer	David Swisher, P. E. Project Manager HRG, Inc. 474 Windmere Drive State College, PA 168001
Permit Issued Date	February 23, 2010
Description of Action	Construction of a water booster station, an interconnection water meter pit and approximately 5,700 linear feet of water distribution piping in Muncy Creek and Muncy Townships, Lycoming County.

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

**Permit No. 3009502**, Public Water Supply.

Applicant	<b>East Dunkard Water Association</b> , P. O. Box 241 SR 88 Dilliner, PA 15327
Borough or Township	Dunkard Township
County	<b>Greene</b>
Type of Facility	Water treatment plant
Consulting Engineer	Dakota Engineering Associates, Inc. Etna Technical Center Suite 200 35 Wilson Street Pittsburgh, PA 15223
Permit to Construct Issued	February 22, 2010

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

**Permit No. 1009502**, Public Water Supply.

Applicant	<b>Evans City Water &amp; Sewer Authority</b>
Township or Borough	Jackson Township
County	<b>Butler County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Joseph L. Gray, P. E.
Permit to Construct Issued	02/19/2010

**Permit No. 2509502**, Public Water Supply.

Applicant **David Russell, d/b/a Country Gables Apartments**  
 Township or Borough Girard Township  
 County **Erie County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven R. Halmi, P. E.  
 Permit to Construct 02/22/2010  
 Issued

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delaware Township	1815 Turbot Avenue Watsontown, PA 17777	Northumberland

*Plan Description:* The approved plan provides for implementation of Alternative Va. This alternative requires the decommissioning of the Delaware Township and Watsontown Borough wastewater treatment plants with conveyance of the combined wastewaters by means of pump station and force main to the Milton Regional Sewer Authority and sewer extensions in Areas 5—8 to pick up sewage needs along Vincent Avenue, Fredrick Drive, Baylor Heights and Cemetery Drive, and 8th Street. Delaware Township will immediately direct an inspection of all confirmed and suspected malfunction identified by the Plan for Areas 1—4. The inspections will be conducted by the Township’s Sewage Enforcement Officer with repairs pursued as applicable. The total project cost is estimated to be \$8,415,000 and is proposed to be financed through PENNVEST and a combination of grants with Rural Utilities Services and/or municipal bond identified as alternate funding sources. 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 the municipality or authority as appropriate.

**WATER ALLOCATIONS**

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

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

**Permit WA 10-1011. Evans City Water & Sewer Authority**, 204B South Jackson Street, Evans City, PA 16033, **Butler County**. The permit grants bulk purchase of water from Cranberry Township to serve the 19 unit Glade Run Estates located in Jackson Township. The amount of water to be purchased is 7,000 gpd peak month (30 day basis). Jackson Township, Butler County.

Permit Issued: February 19, 2010

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

*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>
Cooper Township	19 Steltz Road Danville, PA 17821	Montour

*Plan Description:* The approved plan calls for the construction of a combination low pressure sewer system and gravity sewer system to service the area of the Township running east to west along the Route 11 and Bloom Road Corridor with final connection by means of force main, through Mahoning Township, to the Danville Borough Municipal Authority Wastewater Treatment plant and their collection and conveyance system. The Pepper Hills, Ltd. manufactured housing community will be required to abandon its sewage treatment plant and connect to the new public sewer system. The plan incorporates an on-lot sewage management program for the upland areas of the Township located outside of the Route 11 and Bloom Road Corridor including repair of all “identified confirmed malfunctions” which were part of the needs analysis performed under the plan. The approved project is expected to cost \$6.78 million and is proposed to be funded by the PENNVEST program with Rural Utilities Services identified as the alternate funding source. The Federal planning elements required to qualify this project for PENNVEST funding have been satisfied. 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 the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Plum Borough	4575 New Texas Road Plum, PA 15239	Allegheny

*Plan Description:* The approved plan provides for a proposal to install a small flow treatment facility located along Sardis Road in Plum Borough, Allegheny County. The proposed treatment facility will discharge to an unnamed tributary of Pucketa Creek and service a proposed three-bedroom single family dwelling. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peach Bottom Township	545 Broad Street Extended, Delta, PA 17314	York

*Plan Description:* Grande View Subdivision, DEP Code No. A3-67950-168-3: The Official Plan Revision is for a subdivision on 77.85 acres consisting of 105 lot single-family residential lots, seven open space lots and one lot designated for a water tower. Total estimated sewage



flows are 23,625 gpd to be served by the Delta Borough sanitary sewer system. The proposed subdivision is located on the west side of Broad Street Extended, just north of Delta Borough in Peach Bottom Township, York County. The plan was disapproved because it fails to meet the operation and maintenance requirements of Chapter 71, §§ 71.71 and 71.72.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**919 Wallace Street**, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Mr. and Mrs. Staples, 443 Cooper Beech Circle, Elkins, PA 19027 on behalf of Jack Levin, Roselawn Abstract, LP, 1411 Walnut Street, Third Floor, Philadelphia, PA 19102 has submitted a Remedial

Investigation/Cleanup Plan concerning remediation of site soil contaminated with inorganic. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**McDonalds Restaurant**, City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, Whitestone Associates, Inc., New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, Keith Tockman, Whitestone Associates, Inc., New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Scott Lang, McDonald Corporation, 150 South Warner Road, Suite 470, King of Prussia, PA 19406 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Leboss Residence**, Morrisville Borough, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Christine Dimming, P. O. Box 13, Concordville, PA 19331 on behalf of Juliet Leboss, 1684 Jasmine Way, Lincoln, CA 95648 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dudko & Kemp Residence**, Upper Salford Township, **Montgomery County**. Staci Cottone, J & J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Mr. and Mrs. Peter Dudko, 3030 Barndt Road, Telford, PA 18969, Mr. and Mrs. Richard Kemp, 3026 Barndt Road, Telford, PA 18969 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

**Blue Grass Plaza**, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Lennard Katz, Blue Grass Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Germantown Friends School/Post Office Unit**, City of Philadelphia, **Philadelphia County**. Toby Kessler, P. G., Gilmore and Associates, Inc., 350 East Butler Avenue, New Britain, PA 18901 on behalf of Nick Dobrowolski, Germantown Friends School, 31 West Coulter Street, Philadelphia, PA 19144 has submitted a Final Report concerning remediation of site soil contaminated with PAH and pesticide. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Reihman Property**, 739 East Emmaus Avenue, Salisbury Township, **Lehigh County**. Ronald F. Herrygers, Herrygers Environmental Services, LLC, 214 Beltrees Drive, Lexington, SC 29072 has submitted a Final Report (on behalf of his client, Gregory Reihman, 739 East Emmaus Avenue, Allentown, PA 18103), concerning the remediation of No. 2 fuel oil as a result of a release from a basement heating oil tank due to a loose tank cap. 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 January 21, 2010.

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

**Lancaster Toyota Truck**, formerly Electric Motor Supply, East Hempfield Township, **Lancaster County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of the Estate of Ralph E. Force, c/o Amy Rosensteel, Esq., Evey Black Attorneys, 401 Allegheny Street, Hollidaysburg, PA 16648-0415 and Allen Partnership, 5270 Manheim Pike, East Petersburg, PA 17520, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated volatile organic compounds. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Ryan Kehl Residence**, Exeter Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Ryan Kehl, 1036 Reading Avenue, Birdsboro, PA 19508, submitted a Final Report for site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Abraham Trucking I-80 MM 188W Accident**, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Abraham Trucking, 6550 Kraft Avenue, North Hollywood, CA 91606 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

**Bierly Trucking Co. Accident**, Middle Creek Township, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Bierly Trucking Co., 3865 Nittany Valley Drive, Mill Hall, PA 17751 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

**Tinicum Elementary School**, Tinicum Township, **Bucks County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of David Keppel, Palsiades School District, 39 Thomas Free Drive, 18930 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 25, 2010.

**Hudson Residence**, City of Philadelphia, **Philadelphia County**. Thomas P. Schultz, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, David Slabeck, Slabeck Fuel Company, 3541 Cedar Street, Philadelphia, PA 19134 on behalf of Helen Hudson, 1443 Van Kirk Street, Philadelphia, PA 19149 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 8, 2010.

**CSXT Locomotive 8868**, Lansdale Borough, **Montgomery County**. Ron Gould, React Environmental Services, 716 Jersey Avenue, Gloucester City, NJ 08030, Keith Brinker, CSX Transportation, Inc., 500 Water



Street, J-275, Jacksonville, FL 32202 on behalf of Jacob Zeiger, Borough of Lansdale, 1 Vine Street, Lansdale, PA 19446 has submitted a 90 day Final Report concerning the 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 February 16, 2010.

**Trans Material 0.46 Parcel**, West Goshen Township, **Chester County**. Christopher Ward, RT Environmental Services, Inc., Pureland Complex, 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of Senya Isayeff, CIRR-Keystone Community Alliance-West Goshen, 550 Union Street, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinate solvents. The Final Report demonstrated attainment of the Background Standard and was approved by the Department of Environmental Protection on February 2, 2010.

**4850 Pine Street Property**, City of Philadelphia, **Philadelphia County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bettie Purdy, Neighborhood Preservation & Development Fund, LP, 240 New York Drive, Suite, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with heating oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on February 9, 2010.

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

**Elk Lake School District No. 1H Well Site**, Schoolhouse Road, off SR 3019, Dimock Township, **Susquehanna County**. James Pinta, Jr., URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of his client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276-0120), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a leaking valve on a fuel hose. The Report documented attainment of the Residential Statewide Health Standard and was approved on February 11, 2010. The Report was originally submitted within 90 days of the release.

**Teel Property-Well No. 5**, Herb Button Road, Springville Township, **Susquehanna County**. James Pinta, Jr., PhD., PG, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of his clients, Cleo R. Teel and Gloria D. Teel, R. R. 6, Box 6184, Montrose, PA 18801), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a break in a hose that supplied diesel fuel to the drill rig and booster. The Report documented attainment of the Residential Statewide Health Standard and was approved on February 11, 2010.

**Hoffman Residence**, 9 North Hand Street, Tower City Borough, **Schuylkill County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of his client, Carl Hoffman, 9 North Hand Street, Tower City, PA 17980), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental overfill during a home fuel oil delivery. The Report documented attainment of the Residential Statewide Health Standard and was approved on February 8, 2010.

**Edward Morgan Residence**, 925 Prospect Avenue, Bethlehem City, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Edward P. Morgan, 925 Prospect Avenue, Bethlehem, PA 18018), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking underground storage tank. The Report documented attainment of the Statewide Health Standard and was approved on February 5, 2010. The Report was originally submitted within 90 days of the release.

**Staples Residence**, 15 Livingston Road, Jackson Township, **Monroe County**. Martha Macklin and Richard Doran, Dorson Environmental Management, Inc., 45 Knollwood Road, Elmsford, NY 10523 submitted a Final Report (on behalf of their client Beverly Staples, 15 Livingston Road, Stroudsburg, PA 18360), concerning the remediation of No. 2 fuel oil as a result of an overfill during the delivery of the home heating oil. The Report documented attainment of the Residential Statewide Health Standard for soils and was approved on February 5, 2010. The Report was originally submitted within 90 days of the release.

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

**Gichner Shelter Systems, Inc.**, York Township, **York County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Dallastown Realty II, LLC, 490 East Locust Street, Dallastown, PA 17313, submitted a Final Report concerning site groundwater contaminated with inorganics, VOCs and SVOCs. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on February 16, 2010.

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

**Abraham Trucking I-80 MM 188W Accident**, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Abraham Trucking, 6550 Kraft Avenue, North Hollywood, CA 91606 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 February 16, 2010.

**Bierly Trucking Co. Accident**, Middle Creek Township, **Snyder County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Bierly Trucking Co., 3865 Nittany Valley Drive, Mill Hall, PA 17751 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 Statewide Health Standard and was approved by the Department of Environmental Protection on February 18, 2010.

**Matthews Motors Co.**, Covington Township, **Tioga County**. Teeter Environmental Services, Inc., R. R. 1, Box 124B, North MacFee Road, Sayre, PA 18840 on behalf of Matthews Motors Co., 1856 North Williamson Road, Covington, PA 16917 has submitted a Final Report concerning the remediation of site groundwater contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 16, 2010.

**ROE Transportation**, White Deer Township, **Union County**. ERTS, 8401 Chagrin Road, Suite 15B, Chagrin Falls, OH 44112 on behalf of ROE Transportation, 3680 West Michigan Avenue, Sidney, OH 45365 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 February 17, 2010.

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

**462 Lafferty Hollow Road**, Foster Township, **McKean County**. The Palmerton Group, 6296 Fly Road, East Syracuse, NY 13057 on behalf of Pennzoil-Quaker State Company, 700 Milam Street, Houston, TX 77002 has submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 18, 2010.

#### Hazardous Waste Action

Proposed action on the renewal of a variance from the classification as a solid waste under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003 and 40 CFR 260.33), incorporated by reference at 25 Pa. Code Chapter 260a.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period and/or public hearing, the Department of Environmental Protection will make a final determination regarding the proposed action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Intent to Renew Variance*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**American Iron Oxide Company (AMROX)**. Continued operation of an acid regeneration and iron oxide production facility located in Allenport Borough, **Washington County** under a variance from classification as a solid waste. A request to renew a variance from the classification as a solid waste for the spent pickle liquor used by AMROX for acid regeneration and iron oxide production was tentatively approved (for a period of 2 years) by the Regional Office on February 24, 2010.

## 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.**

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

**GP7-36-03027: Standard Offset, d/b/a The Standard Group** (433 Pearl Street, Reading, PA 19602-2621) on February 11, 2010, for a Sheet Fed Offset Lithographic Printing Press under GP7 in Manheim Township, **Lancaster County**. This GP7 was administratively amended due to a change of ownership. (Hanlon)

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

**GP5-43-340A: Enervest Operating—Cyphert Compressor Station** (Brennaman Road, Mercer, PA 16137) on February 12, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in New Wilmington Township, **Mercer County**. Previously permitted under EXCO North Coast Energy, Inc.

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

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

**33-133A: HRI, Inc.—Brookville Plant** (785 Route 830, Brookville, PA 15825) on February 16, 2010, to replace the existing baghouse with a new 48,500 CFM MAC baghouse, knock out box, blower and fan system at their facility in the Township of Pine Creek, **Jefferson County**.

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

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

**09-0037G: CMS Gilbreth Packaging Systems, Inc.** (3001 State Road, Croydon, PA 19021) on February 22, 2010, to operate a 10 color rotogravure printing press in Bristol Township, **Bucks County**.

**46-0269: Yellow Book USA, Inc.** (500 Chesterfield Parkway, Malvern, PA 19355) on February 22, 2010, to operate (2) two diesel/ No. 2 fuel-fired in Upper Merion Township, **Montgomery 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.*

**32-00040B: RRI Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on February 16, 2010, to authorize install and operate of one (1) 600 bhp diesel engine powered emergency boiler feedwater pump at RRI's Seward Generating Station. The diesel engine is subject to revised and additional conditions included in the modified plan approval and applicable provisions of 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ. The



emissions increase associated with installation and operation of this source will not exceed 0.7 ton each of PM10 and PM2.5, 0.2 ton of SO<sub>2</sub>, 1.5 tons of NO<sub>x</sub>, 0.9 ton of CO, 0.1 ton of VOC; does not constitute a net significant emissions increase, and does not trigger PSD or NSR at the facility. The Seward Generating Station is located in East Wheatfield Township, **Indiana County**. The Plan Approval Expires on April 11, 2010.

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

**10-355A: Glacial Sand and Gravel Co.** (Intersection of Swope and West Liberty Roads, Harrisville, PA 16038) on February 28, 2010, for the construction of a 400 tph sand and gravel operation previously located in **Lawrence County** under Operating Permit 37-00308. This is a State-only facility.

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

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

**10-00021: Indspec Chemical Corp.** (P. O. Box 307, Petrolia, PA 16050) on February 19, 2010, an administrative amendment to the Title V Operating Permit to incorporate the requirements of Plan Approval 10-0210 and 10-021R.

**16-00124: Peoples Natural Gas Co.—Truittsburg Station** (1201 Pitt Street, Pittsburgh, PA 15221) on February 12, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the change of ownership.

**24-00083: Carbone of America Ind. Corp.—Benzinger Plant** (215 Stackpole Street, Saint Marys, PA 15857) on February 19, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of Plan Approval 24-083Q.

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

**15-00110: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335-3043) on February 23, 2010, to operate three (3) boilers, a bread oven with a catalytic oxidizer, a layer cake oven, three (3) emergency generators, and various gas fired sources at their facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap Nitrogen Oxide (NO<sub>x</sub>) to less than 25 tons per year each; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00063: New Hope Crushed Stone and Lime Co.** (6970 Phillips Mill Road, New Hope, PA 18938) on February 23, 2010, to operate two (2) non-metallic mineral processing plants and associated diesel engines at Solebury Township, **Bucks County**. This action is a

renewal of a State-only Operating Permit (Synthetic Minor), which was originally issued on February 18, 2005. The facility took operation hour and diesel fuel consumption restrictions to maintain its Nitrogen Oxides emissions below the threshold level. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**21-05054: Metropolitan Edison Co.** (P. O. Box 16601, Reading, PA 19612-6001) for operation of their Allen Substation Distributed Generation Site in Monroe Township, **Cumberland County**. (Helsel)

**67-05116: Metropolitan Edison Co.** (P. O. Box 16601, Reading, PA 19612-6001) for operation of their Yorkana Substation in Lower Windsor Township, **York County**. (Helsel).

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

**10-00304: JSP International—East Butler** (150 Eastbrook Lane, Butler, PA 16002) on February 22, 2010, the Department of Environmental Protection re-issued the Natural Minor Operating Permit to operate a polypropylene foam product manufacturing facility in Summit Township, **Butler County**. The facility's primary emission sources are the four (4) boilers used to provide heat for the process.

**25-00192: Reed Manufacturing Co.** (1425 West 8th Street, Erie, PA 16502) on February 22, 2010, the Department of Environmental Protection re-issued this Natural Minor Operating Permit to operate a tool manufacturing facility in the City of Erie, **Erie County**. The facility's primary emission sources include machining and heat treating operations. The emissions from this facility are well below major source levels.

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**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.**

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

**46-00027: Johnson & Johnson Pharmaceutical Research & Development, LLC** (Welsh and McKean Roads, Spring House, PA 19477) on February 23, 2010, the facility's major emission points include manufacturing equipment designed for pharmaceutical preparations, which emits major levels of Volatile Organic Compounds (VOCs), in Lower Gwynedd Township, **Montgomery County**. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses the removal of the Fluid Bed Processor (Source ID 104) from Section A (Site Inventory) and Section D (Source Level Requirements) of the Title V Operating Permit. Potential particulate matter emissions from this source are less than the standard of 25 Pa. Code § 123.13(c)(1)(i); the source is now listed in Section G

(Miscellaneous) of the Title V Operating Permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
2/16/10	Blender	0.1	0	0	0	0
Total Reported Increases		0.1	0	0	0	0
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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 Applications Returned*

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

**30743702 and NPDES Permit No. NA, Consolidation Coal Company**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to revise the permit for the Blacksville No. 1 Mine Refuse Area in Wayne Township, **Greene County** to add acreage to install a pipeline to carry mine water from the Blacksville No. 1 Mine pool in West Virginia. Coal Refuse Disposal Support Acres Proposed 2.0. No additional discharges. Application received: August 7, 2009. Application withdrawn: February 19, 2010.

*Coal Permits Actions*

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

**32900103 and NPDES No. PA0598763. Black Oak Development, Inc.**, P. O. Box 205, Glen Campbell, PA 15742, permit renewal for reclamation only of a bitumi-

**24-00083: Carbone of America** (215 Stackpole Street, St. Marys, PA 15857) for their facility in City of St. Marys, **Elk County**. The *De minimis* emission increase is related to construction of a blender (Carbone Double Ribbon model D122-1, 200 cubic foot). In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department of Environmental Protection hereby approves the *De minimis* emission increase. The following table is a list of the *De minimis* emission increases as required by 25 Pa. Code § 127.449(i). This list includes the *De minimis* emission increases since the Title V Operating Permit issuance on July 31, 2006.

nous surface mine in Banks and Burnside Townships, **Indiana and Clearfield Counties**, affecting 133.8 acres. Receiving stream(s): unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 10, 2009. Permit issued: February 16, 2010.

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

**03080103 and NPDES Permit No. PA0251488. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Redbank Township, **Armstrong County**, affecting 52.0 acres. Receiving streams: Unnamed tributaries to Little Mudlick and Redbank Creeks. Application received: September 12, 2008. Permit issued: February 17, 2010.

**30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC** (308 Dents Run Road, Morgantown, WV 26501) Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Monongahela Township, **Greene County**, affecting 120.0 acres. Receiving streams: unnamed tributaries to Dunkard Creek, and unnamed tributaries to Monongahela River. Application received: March 20, 2009. Permit issued: February 17, 2010.

**26090103 and NPDES Permit No. PA0251704. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478) Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in German Township, **Fayette County**, affecting 58.1 acres. Receiving streams: unnamed tributaries to Dunlap Creek. Application received: May 28, 2009. Permit issued: February 19, 2010.

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

**37820108 and NPDES Permit No. PA0604657. Ambrosia Coal & Construction Co.** (P. O. Box 422, Edinburg, PA 16116) Renewal of an existing bituminous strip operation in North Beaver Township, **Lawrence County** affecting 225.0 acres. Receiving streams: Un-



named tributaries to Sugar Creek. This renewal is issued for reclamation only. Application received: December 9, 2009. Permit Issued: February 17, 2010.

**33793033 and NPDES Permit No. PA0119032. Cloe Mining Company, Inc.** (P. O. Box J, Grampian, PA 16838) Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 94.0 acres. Receiving streams: Unnamed tributaries to Stony Run, unnamed tributaries to Bear Run. This renewal is issued for reclamation only. Application received: December 18, 2009. Permit Issued: February 17, 2010.

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

**17880126 and NPDES No. PA0116599. (Waroquier Coal Co.,** P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 295.4 acres. Receiving streams: unnamed tributaries to the West Branch of the Susquehanna River classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 30, 2009. Permit issued: February 18, 2010.

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

**40940204R3. Northampton Fuel Supply Co., Inc.,** (1 Horwith Drive, Northampton, PA 18067) renewal for reclamation only of an anthracite coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 48.0 acres, receiving stream: none. Application received: January 19, 2010. Renewal issued: February 16, 2010.

*Noncoal Permits Actions*

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

**58090821. Roger A. Myers,** (1930 SR 29 South, Tunkhannock, PA 16657) commencement, operation and restoration of a quarry operation in Lathrop Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received: August 17, 2009. Permit issued: February 16, 2010.

**58092813. Cheyenne Custom Blue Stone, Inc.,** (671 Conklin Road, Binghamton, NY 13903) commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: October 15, 2009. Permit issued: February 16, 2010.

**8074SM3C9 and NPDES Permit No. PA01188443. M & M Stone Company,** (P. O. Box 189, Telford, PA 18969) renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Salford Township, **Montgomery County**, receiving stream: East Branch Perkiomen Creek. Application received: December 31, 2009. Renewal issued: February 18, 2010.

**7973SM5C7 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc.,** (P. O. Box 249, Chalfont, PA 18914) renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Neshaminy Creek. Application received: December 31, 2009. Permit issued: February 18, 2010.

**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.*

**26104002. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Permit issued for gas well installation on the Cardine property located in Redstone Township, **Fayette County**, with an expected duration of 1 week. Permit issued: February 16, 2010.

**26104003. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Permit issued for gas well installation on the Faverio property located in Redstone Township, **Fayette County**, with an expected duration of 1 week. Permit issued: February 16, 2010.

**04104001. Joseph J. Brunner, Inc.** (211 Brunner Road, Zelenople, PA 16063). Blasting activity permit for the Joseph J. Brunner landfill, located in New Sewickley Township, **Beaver County**, with an expected duration for 1 year. Permit issued: February 18, 2010.

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

**12104001. Dynamic Drilling, LLC** (10373 Taylor Hawks Road, Herron, MI 46744), Beechwood Seismic Survey blasting located in Beechwood Township, **Cameron County**. Permit issued: February 19, 2010. Permit expires: July 30, 2010.

**17104002. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for McGeorges Road Pond located in Lawrence Township, **Clearfield County**. Permit issued: February 5, 2010. Permit expires: December 30, 2010.

**08104001. Geokinetics** (R. R. 6, Box 6176, Towanda, PA 18848), blasting for Bradford, PA Phase 2 extension located in Canton, Springfield and Smithfield Townships, **Bradford County**. Permit issued: February 5, 2010. Permit expires: January 1, 2011.

**08104101. Meshoppen Blasting, Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630), addendum to add a pad. Blasting activity permit originally issued January 12, 2010. Addendum issued: February 22, 2010. Permit expiration date changes from February 28, 2010 to March 21, 2010.

**41104001. Tideland Geophysical, Co.** (101 East Park Boulevard, Suite 995, Plano, TX 75074), Picture Rocks 3D blasting located in Penn, Wolfe, Jordan and Franklin Townships, **Lycoming and Sullivan Counties**. Permit issued: February 12, 2010. Permit expires: December 31, 2010.

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

**22104103. Abel Construction Co., Inc.,** (P. O. Box 476, Mountville, PA 17554), construction blasting for County Bridge, 122 Hanover Street in Derry and South

Hanover Townships, **Dauphin County** with an expiration date of February 8, 2011. Permit issued: February 17, 2010.

**35104101. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Circle Green Development in South Abington Township, **Lackawanna County** with an expiration date of January 31, 2011. Permit issued: February 17, 2010.

**40094119. Dyno-Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Petroleum Products Corp.—Dupont Rail Terminal in Dupont Borough, **Luzerne County** with an expiration date of December 31, 2010. Permit issued: February 16, 2010.

**66104101. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Shupp's Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2011. Permit issued: February 17, 2010.

**66104102. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for site development in Lemon Township, **Wyoming County** with an expiration date of January 31, 2011. Permit issued: February 17, 2010.

**58104006. M & S Blasting, LLC** (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Simpson 3H-4H Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of January 29, 2011. Permit issued: February 17, 2010.

**13104001. Clair N. Stahley, Inc.** (P. O. Box 460, Schneeksville, PA 18078) and American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18042) construction blasting for Grange Road Park Improvements in Upper Macungie Township, **Lehigh County** with an expiration date of April 20, 2010. Permit issued: February 17, 2010.

**45104102. 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 February 28, 2011. Permit issued: February 17, 2010.

**52104102. ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting for SR 2001 and 2003 Project in Lehman Township, **Pike County** with an expiration date of January 30, 2011. Permit issued: February 17, 2010.

**35104102. ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting for Valley View Industrial Park in Jessup Borough, **Lackawanna County** with an expiration date of February 10, 2011. Permit issued: February 18, 2010.

**36104104. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Hoover Diesel Service in Earl Township, **Lancaster County** with an expiration date of June 30, 2010. Permit issued: February 18, 2010.

**49104001. Daniel Shingara Enterprises** (5965 SR 61, Paxinos, PA 17860) and Pennex Powder Co. (1357 Scott Street, Kulpmont, PA 17834), construction blasting at Shingara Enterprises in Shamokin Township, **Northumberland County** with an expiration date of February 5, 2011. Permit issued: February 19, 2010.

**48104102. Austin Powder Northeast, LLC** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Wottring Hills Fields in Williams Township

and Wilson Borough, **Northampton County** with an expiration date of February 9, 2011. Permit issued: February 19, 2010.

## 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.

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**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).**

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-761. East Goshen Township**, 1580 Paoli Pike, West Chester, PA 19380, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To: perform the following water obstruction and encroachment activities across an unnamed tributary to



Ridley Creek (HQ-TSF) and its adjacent wetlands associated with the modification of the existing recreational trail system:

1. To construct and maintain an approximately 355-foot long, 8-foot wide new pedestrian bridge. The crossing has a clear span of 75 feet over the channel and floodway located above the 100-year floodplain.

2. To maintain three pedestrian crossings associated with the same existing trail system.

The total wetland impact associated with the four crossings is 0.046 acre (PEM).

The site is located approximately 2,500 feet southeast of the intersection of Paoli Pike and Line Road (Malvern, PA USGS Quadrangle N: 1.4 inches; W: 5.1 inches) in East Goshen Township, Chester County.

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

**E15-799. The Hankin Group**, P. O. Box 562, Exton, PA 19341, West Vincent Township, **Chester County**, ACOE Philadelphia District.

To: install and maintain two 10-inch sanitary sewer force mains across Birch Run (EV) over the existing 5-foot diameter culvert.

The site is located approximately 1,500 feet north of the intersection of Nantmeal and Pottstown Roads (SR 0100); (Pottstown, PA USGS Quadrangle N: 0.5 inch; W: 9.5 inch) in West Vincent Township, Chester County.

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

**E09-937. Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To: construct and maintain a pump house, a generator control facility, and three sets of approximately 500 linear feet of underground utility pipes in the floodplain of Poquessing Creek (WWF) associated with Bucks County Water and Sewer Authority Chamber 11 Pump Station Project. This work also includes the extension and maintenance of an existing building in the floodplain.

The project is located approximately 262 feet north of the intersection of Georgia and Regina Avenues in Bensalem Township, Bucks County (Beverly, PA USGS Quadrangle N: 14.38 inches; W: 11.96 inches).

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

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

**E35-386. Corky's Garden Path Greenhouse**, 1312 Justus Boulevard, Clarks Summit, PA 18411. Scott Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To: fill 0.28 acre of PEM wetlands within the Leggetts Creek Watershed (HQ-CWF) for the purpose of expanding Corky's Garden Path Greenhouse. The permittee is required to provide for 0.28 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement

Project. The project is located on the southern corner of Layton Road and SR 0347 (Dalton, PA Quadrangle Latitude: 41° 30' 04"; Longitude: -75° 38' 24").

**E48-404. Midland Farms, Inc.**, 3760 Golf Course Road, Allentown, PA 18104. Lehigh Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To: fill a 0.37 acre open body of water in an abandoned quarry pit. The project is located on the east side of Blue Mountain Drive approximately 0.8 mile south of its intersection with SR 0946 (Palmerton, PA Quadrangle Latitude: 40° 47' 00"; Longitude: -75° 31' 35") in Lehigh Township, Northampton County (Subbasin: 2C).

**E40-702. BPPNK Realty Group, LLC**, 610 Wyoming Avenue, Kingston, PA 18704-3787. Kingston Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: remove an existing building, and to construct and maintain an approximately 12,600 square foot parking area, approximately 2,800 square feet of which is within the floodway of Toby Creek (TSF, MF); and to construct and maintain a 116-foot long, 6-foot high, 3-foot wide gabion basket retaining wall along the right bank of Toby Creek. The project is located on the east side of North Main Street, approximately 1.4 miles southeast of the intersection of SR 309 and SR 415 (Kingston, PA Quadrangle Latitude: 41° 19' 18"; Longitude: -75° 56' 26") (Subbasin: 5B).

**E66-144. Wyoming Conservation District**, 1 Hollowcrest Complex, Tunkhannock, PA 18657. Tunkhannock Borough, **Wyoming County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a 360-foot long stream channel restoration project in Swale Brook (CWF) consisting of the following work: two (2) logs cross vanes, log vanes with floodplain stabilization sills; live crib walls; one terrace fill area; two graded bankfull floodplain areas; bio-stabilization plantings; excavation and backfill in various areas of the channel; and embankment and re-establishing the width and alignment of the historical stream channel. The project begins approximately 1,200 feet upstream of where the Swale Brook intersects SR 29 and extends upstream from that point for approximately 360 linear feet (Tunkhannock, PA Quadrangle Latitude: 41° 32' 33.9"; Longitude: -75° 56' 51.1") in Tunkhannock Borough, Wyoming County (Subbasin: 4G).

**E52-215. Sunrise Ventures, Inc.**, 300 Sunrise Lake, Milford, PA 18337. Dingman Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To: maintain three dry hydrants within the Sunrise Lake Development. The first is located in Sprint Lake along the eastern shore adjacent to Overlook Drive (Edgemere, PA Quadrangle Latitude: 41° 40' 13"; Longitude: -74° 58' 45"). The second is located in Sunrise Lake on the southern end adjacent to South Shore Road (Edgemere, PA Quadrangle Latitude: 41° 19' 20"; Longitude: -74° 57' 51"). The third is also located in Sunrise Lake on the northern end adjacent to Sunrise Lake Road (Edgemere, PA Quadrangle Latitude: 41° 18' 58"; Longitude: -74° 57' 13"). The project temporarily impacted approximately 250 square feet of wetlands adjacent to Sprint Lake. Both Lakes are within the Rattlesnake Creek Watershed in Dingman Township, Pike County (Subbasin: 1D).

**E35-419. Samuel Schiavi**, 2006 Port Royal Road, Juniata, PA 17082. Clarks Summit Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a 90-LF, 72-inch diameter corrugated metal pipe with concrete wingwalls and R-5 riprap aprons installed at both the entrance and exit of the culvert within a tributary to Ackerly Creek (CWF) for the purpose of parking lot and building expansion of an existing commercial business. The invert of the culvert will be depressed 1-foot below streambed elevation. The project is located at the intersection of Greenwood Avenue and Lackawanna Trail Road, approximately 0.6 mile northwest of the intersection of SR 407 and U.S. Route 6 (Scranton, PA Quadrangle Latitude: 41° 29' 51"; Longitude: -75° 42' 33") (Subbasin: 5A).

**E66-143. Wyoming County Conservation District**, 1 Hollowcrest Complex, Tunkhannock, PA 18657. Eaton Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a 810-foot long stream channel restoration project in Sugar Hollow Creek (HQ-CWF) consisting of the following work: three rock cross vanes with scour pools, nine double log vanes, stepped-back rock stabilization walls and streambank biostabilization plantings for the purpose of stabilizing the stream channel. The project begins approximately 1,100 feet upstream from where Sugar Hollow Creek (HQ-CWF) intersects Bowmans Creek (HQ-CWF) and extends upstream from that point for approximately 810 linear feet (Tunkhannock, PA Quadrangle Latitude: 40° 30' 25.3"; Longitude: -75° 59' 30.9") (Subbasin: 4G).

**E54-336. Schuylkill County Commissioners**, Schuylkill County Courthouse, Pottsville, PA 17901-2528. North Union Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To: maintain a three span concrete T-beam bridge (County Bridge #100) across Catawissa Creek (CWF) with work consisting of removing a 40-foot wide by 170-foot long gravel bar upstream and downstream of the center span, filling a 40-foot wide by 20-foot long scour hole downstream of the right end span, and constructing a temporary construction road crossing. "The water obstruction(s) and encroachment(s) aforementioned were previously authorized by Permit No. E54-315, which expired prior to the commencement of construction." The project is located at the Labenberg Road (T-453) Bridge approximately 200 feet west of SR 0339 (Nuremburg, PA Quadrangle Latitude: 40° 53' 30"; Longitude: 76° 12' 55") in North Union Township, Schuylkill County (Subbasin: 5D).

**E48-402. Northampton County Parks and Recreation**, Department of Public Works, Greystone Building, Gracedale Complex, Nazareth, PA 18064. Allen Township and East Allen Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To: construct and maintain a 4-foot wide, single-span pedestrian bridge with a 60-foot span and an underclearance of 5.2 feet across Catasaqua Creek (CWF); to construct and maintain a 10-foot wide, single-span pedestrian bridge with a 60-foot span and an underclearance of 4.0 feet across Catasaqua Creek (CWF); to construct and maintain a 2-inch diameter PVC waterline crossing of Catasaqua Creek (CWF) using trenchless technologies; and to construct and maintain approximately 1,529-LF of 12-foot wide crushed stone and asphalt walking trails in the floodway of Catasaqua Creek (CWF). The purpose of the project is to construct a 200-acre expansion to

Weaversville Park. The project is located at the intersection of Willowbrook Road (T-478) and West Bullshead Road (T-482), approximately 2.95 miles northwest of the intersection of SR 987 and U.S. Route 22 (Catasaqua, PA Quadrangle Latitude: 40° 40' 45"; Longitude: 75° 27' 47") in Allen and East Allen Townships, Northampton County (Subbasin: 2C).

**E40-675. David and Patricia Silverstein**, R. R. 1, Box 282, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a pile supported dock having a surface area of approximately 2,166 SF upon which will be built a 1,377 SF boat house structure in Harveys Lake (CWF). The structure will extend 35 feet from the shore of the lake and will be installed adjacent to an existing 1,148 SF dock. The project is located approximately 4.5 miles from the intersection of SR 0415 and SR 0309 on the west side of SR 0415 (Harveys Lake, PA Quadrangle Latitude: 41° 22' 19"; Longitude: -76° 2' 17") (Subbasin: 5B).

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

**E07-430: Roaring Spring Municipal Authority**, 616 Spang Street, Roaring Spring, PA 16672-1350, Taylor Township, **Blair County**, ACOE Baltimore District.

To: construct and maintain a 15-foot by 45-foot UV disinfection system and a 10-foot by 16-foot control shed in order to upgrade the existing wastewater treatment plant located within the 100-year floodplain of Halter Creek (WWF) at the Emeigh Lane and Papermill Road intersection (Roaring Spring, PA Quadrangle N: 16.44 inches; W: 4.12 inches, Latitude: 40° 20' 26"; Longitude: 78° 24' 16.36") in Taylor Township, Blair County.

**E22-538M: Linden Centre, LLC**, P. O. Box 442, Harrisburg, PA 17033, Linden Centre, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To: relocate 2,300.0-feet of an Unnamed Tributary to the Susquehanna River (WWF) including the removal of 1,800.0-feet of concrete lined channel and the construction and maintenance of two (2) 19.0-foot wide by 9.0-foot high open bottom concrete box culverts. Also to construct and maintain four (4) outfall structures, two (2) 15.0-inch diameter SLCPP's and two (2) 24.0-inch diameter SLCPP's to the unnamed tributary to the Susquehanna River (WWF), and to fill and grade a 0.025-acre palustrine emergent wetland area, all for the purpose of making improvements to a commercial property (Steelton, PA Quadrangle N: 21.5"; W: 1.1", Latitude: 40° 12' 03"; Longitude: 76° 45' 26") in Lower Swatara Township, Dauphin County.

**E36-867: Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Mount Joy and Rapho Townships, **Lancaster County**, ACOE Baltimore District.

To: (1) raze the existing SR 4008 (Elizabethtown Road) single span Bailey Truss bridge, having a width of 13.9 feet, a clear span of 50.8 feet, and an underclearance of 4.0 feet over Little Chickies Creek (TSF); (2) construct and maintain a single span pre-stressed concrete box beam bridge, having a width of 31.3 feet, a clear span of 55.0 feet, and an underclearance of 3.5 feet carrying SR 4008 (Elizabethtown Road) over Little Chickies Creek (TSF); and (3) relocate and maintain approximately 120 feet of an unnamed tributary to Little Chickies Creek

(TSF) (Elizabethtown, PA Quadrangle N: 11.0 inches; W: 2.3 inches, Latitude 40° 11' 08"; Longitude: 76° 30' 57"), in Mount Joy and Rapho Townships, Lancaster County for the purpose of providing a structurally sound bridge that will maintain safe and adequate movement of motorized vehicles.

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

**E41-593. Laurel Hill Wind Energy, LLC**, 71 Allen Street, Rutland, VT 05701-4570. Water Obstruction and

Encroachment Joint Permit, Laurel Hill Wind Project, in Jackson and McIntyre Townships, **Lycoming County**, ACOE Baltimore District (Liberty, PA Quadrangle N: 41° 32' 5.15"; W: 77° 1' 34.70").

To: construct, operate and maintain 35 wind turbines within the Blockhouse Creek and Roaring Branch watersheds (Cold Water and High Quality-Cold Water Fisheries, respectively). Construction of the wind turbines, access roads and transmission lines will require seven (7) stream, five (5) aerial stream and thirty (30) wetland crossings as follows:

<i>Stream Name</i>	<i>Crossing Length (ft.) &amp; Wetland Impact (ft.<sup>2</sup>)</i>	<i>Latitude</i>	<i>Longitude</i>
~ Streams ~			
Unnamed Trib. to Roaring Branch	140	41.5220	77.0620
Unnamed Trib. to Roaring Branch	300	41.5427	76.9876
Unnamed Trib. to Roaring Branch	135	41.5374	77.0209
Unnamed Trib. to Roaring Branch	135	41.5373	77.0209
Unnamed Trib. to Roaring Branch	400	41.5400	77.0118
Red Run (crossing #1)	170	41.5258	76.9727
Red Run (crossing #2)	185	41.5322	76.9914
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5308	77.0759
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5276	77.0675
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5276	77.0670
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5279	77.0647
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5276	77.0679
~ Wetlands ~			
Roaring Branch (isolated)	6,125	41.5155	77.0862
Roaring Branch (isolated)	8,625	41.5361	77.0174
Roaring Branch (isolated)	10,210	41.5332	77.0271
Roaring Branch (isolated)	735	41.5314	77.0347
Roaring Branch (isolated)	1,860	41.5329	77.0285
Roaring Branch (isolated)	490	41.5330	77.0284
Roaring Branch (isolated)	0	41.5344	77.0229
Roaring Branch (isolated)	435	41.5335	77.0271
Roaring Branch (isolated)	544	41.5363	77.0770
Roaring Branch (isolated)	7,030	41.5394	77.0017
Roaring Branch	2,080	41.5400	77.0010
Roaring Branch	0	41.5355	77.0197
Roaring Branch	53	41.5398	77.0033
Roaring Branch	7,540	41.5431	76.9882
Roaring Branch	4,325	41.5430	76.9870
Roaring Branch	4,065	41.5373	77.0209
Roaring Branch	950	41.5379	77.0211
Roaring Branch	2,455	41.5411	77.0158
Roaring Branch	4	41.5400	77.0118
Roaring Branch	2,885	41.5413	77.0152
Red Run	4,740	41.5320	76.9910
Red Run	6,470	41.5284	76.9836
Roaring Branch	0	41.5334	77.0766



<i>Stream Name</i>	<i>Crossing Length (ft.) &amp; Wetland Impact (ft.<sup>2</sup>)</i>	<i>Latitude</i>	<i>Longitude</i>
Roaring Branch	0	41.5347	77.0769
Roaring Branch	0	41.5310	77.0760
Roaring Branch	0	41.5277	77.0699
Roaring Branch	0	41.5276	77.0687
Roaring Branch	0	41.5280	77.0680
Roaring Branch	0	41.5280	77.0680
Roaring Branch	0	41.5280	77.0640

The project will permanently impact 71,621 square feet and temporarily impact 29,409 square feet of jurisdictional wetlands and 1,465 linear feet of waterway. The project is centered north of SR 0014 approximately 4 miles northwest of the Village of Ralston. This permit also includes 401 Water Quality Certification.

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

**E02-1625. Allegheny County Sanitary Authority** (ALCOSAN), 3300 Preble Avenue, Pittsburgh, PA 15233. To: construct and maintain stream enclosure, including inlet and outfall structures in Stowe and Kennedy Townships and McKees Rocks Borough, **Allegheny County**, Pittsburgh ACOE District (Project Beginning: Pittsburgh West, PA Quadrangle N: 18.3"; W: 11.6", Latitude: 40° 28' 32"; Longitude: 80° 5' 1"; and Terminus: Pittsburgh West, PA Quadrangle N: 16.2"; W: 10.4", Latitude: 40° 27' 51"; Longitude: 80° 4' 30"). To construct and maintain approximately 5,100' of 60" HDPE stream enclosure, including inlet and outfall structures and appurtenant works, on Pine Hollow Run, (5,100' of impact, WWF) Deweyville Run (115' of impact, WWF) and Chartiers Creek (20' of impact, WWF), all for the purpose of directing the flow of Pine Hollow Run, Deweyville Run and an unnamed tributary to Pine Hollow Run from an existing, combined sewer to a new enclosure. No reaches of stream that are not currently enclosed will be enclosed.

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

**E43-350. Dan Spivey, Northeastern ITS**, 6779 Engle Road, Suite D, Middleburg Heights, OH 44130-7926. ACOE Pittsburgh District.

To: Construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. Approximately 29.7 miles of Mercer County will be traversed by the proposed project beginning at the Pennsylvania-Ohio border on SR 4004 and ending at the Mercer-Venango County border on SR 1014. The applicant proposes to cross a total of 39 streams in Mercer County via boring or bridge attachment. The proposed crossings are listed below from west to east.

1. Trib to Shenango River (WWF), N: 41° 25' 44.81"; W: 80° 30' 51.80", West Salem Township.
2. Trib to Booth Run (WWF), N: 41° 25' 27.60"; W: 80° 29' 42.22", West Salem Township.
3. Trib to Booth Run (WWF), N: 41° 25' 25.17"; W: 80° 29' 37.65", West Salem Township.
4. Trib to Big Run (WWF), N: 41° 25' 09.50"; W: 80° 28' 31.29", West Salem Township.

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

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

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

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

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

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

11. Little Shenango River (TSF), N: 41° 25' 34.75"; W: 80° 22' 24.26", Hempfield Township.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Trib to Sandy Creek (WWF), N: 41° 26' 39.02"; W: 80° 11' 34.98", Sandy Creek Township.



28. Sandy Creek (WWF), N: 41° 26' 41.43"; W: 80° 10' 44.26", Deer Creek Township.

29. Trib to Sandy Creek (WWF), N: 41° 26' 24.98"; W: 80° 09' 31.70", Deer Creek Township.

30. Trib to Sandy Creek (WWF), N: 41° 26' 21.74"; W: 80° 09' 28.08", Deer Creek Township.

31. Trib to Sandy Creek (WWF), N: 41° 26' 09.17"; W: 80° 09' 12.26", Deer Creek Township.

32. Schofield Run (WWF), N: 41° 25' 40.03"; W: 80° 08' 35.22", New Vernon Township.

33. Trib to Sandy Creek (WWF), N: 41° 25' 29.21"; W: 80° 08' 16.29", New Vernon Township.

34. Trib to Sandy Creek (WWF), N: 41° 25' 20.45"; W: 80° 08' 05.79", New Vernon Township.

35. Trib to Sandy Creek (WWF), N: 41° 25' 07.87"; W: 80° 07' 46.84", New Vernon Township.

36. Trib to Sandy Creek (WWF), N: 41° 24' 48.83"; W: 80° 06' 58.11", New Vernon Township.

37. Mill Creek (CWF), N: 41° 24' 42.20"; W: 80° 05' 12.35", Mill Creek Township.

38. Mill Creek (CWF), N: 41° 24' 28.12"; W: 80° 04' 20.14", New Lebanon Borough.

39. Trib to Little Sandy Creek (HQ-CWF), N: 41° 24' 24.96"; W: 80° 02' 22.78", Mill Creek Township.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA5609-002. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Somerset Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,300 linear feet of dangerous highwall. The project will include the backfilling of 0.21 acre of open waterbodies that have developed within the open surface mine pit (Quadrangles Stoystown, PA N: 0.5 inch; W: 14.75 inches and Berlin, PA N: 22 inches; W: 14.75 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.

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

ESCGP-1 # ESX10-027-0001  
Applicant Name EXCO Resources (PA), Inc.  
Contact Person Joel Heiser  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Centre  
Township(s) Burnside  
Receiving Stream(s) and Classification(s) Boake, Sterling, Miles Run, UNT to North Branch Beech Creek/North Fork Beech Creek Secondary—West Branch Susquehanna River

ESCGP-1 # ESX10-015-0027  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Wyalusing Township  
Receiving Stream(s) and Classification(s) Susquehanna River

ESCGP-1 # ESX10-015-0028  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Troy Township  
Receiving Stream(s) and Classification(s) Sugar Creek Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0032  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Terry Township  
Receiving Stream(s) and Classification(s) Susquehanna River

ESCGP-1 # ESX09-015-0069(01)  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Tuscarora Township  
Receiving Stream(s) and Classification(s) Little Tuscarora Creek

ESCGP-1 # ESX09-015-0057(01)  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Albany Township  
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX10-115-0007  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) Little Meshoppen Creek

ESCGP-1 # ESX10-015-0031  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wyalusing Township  
 Receiving Stream(s) and Classification(s) Patton Creek  
 Secondary—Wyalusing Creek

ESCGP-1 # ESX09-081-0021(01)  
 Applicant Name XTO Energy, Inc.  
 Contact Person Michael Hahn  
 Address 810 Houston Street  
 City, State, Zip Fort Worth, TX 76102  
 County Lycoming  
 Township(s) Penn, Franklin and Moreland Townships  
 Receiving Stream(s) and Classification(s) Sugar Run,  
 Jakes Run, UNT to Derr Run

ESCGP-1 # ESX10-117-0022  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Richmond  
 Receiving Stream(s) and Classification(s) UNT to Tioga  
 River

ESCGP-1 # ESG09-117-0054  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Potter, Tioga  
 Township(s) W. Branch Township (Potter); Elk and Gaines  
 Townships (Tioga)  
 Receiving Stream(s) and Classification(s) Elk Run  
 (Gormanian and Wetmore Run)

ESCGP-1 # ESG09-117-0053  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Tioga  
 Township(s) Gaines and Elk Townships  
 Receiving Stream(s) and Classification(s) Dewey Hollow,  
 Thompson Hollow, Elk Run

ESCGP-1 # ESG09-117-0040  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Tioga  
 Township(s) Gaines and Elk Townships  
 Receiving Stream(s) and Classification(s) Elk Run, Lewis  
 Run, Dewey Hollow

ESCGP-1 # ESG09-117-0041  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Tioga  
 Township(s) Gaines Township  
 Receiving Stream(s) and Classification(s) Lewis Run

ESCGP-1 # ESG09-117-0033  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Tioga  
 Township(s) Gaines Township  
 Receiving Stream(s) and Classification(s) McCracken  
 Hollow, Elk Run, Lewis Run

ESCGP-1 # ESG09-105-0007  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Potter  
 Township(s) West Branch Township  
 Receiving Stream(s) and Classification(s) Gross Hollow,  
 Sliders Branch

ESCGP-1 # ESG09-105-0008  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Potter  
 Township(s) West Branch  
 Receiving Stream(s) and Classification(s) South Branch  
 Pine Creek Secondary—Pine Creek

ESCGP-1 # ESX10-117-0021  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) Little Elk Run

ESCGP-1 # ESX10-117-0017  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Union Township  
 Receiving Stream(s) and Classification(s) UNT (non-  
 designated)/West Branch Susquehanna River Basin  
 Secondary—Roaring Branch

ESCGP-1 # ESX10-015-0025  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Monroe Township  
 Receiving Stream(s) and Classification(s) UNT to Bennett's Creek Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0029  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wysox Township  
 Receiving Stream(s) and Classification(s) UNT Secondary—Wysox Creek

ESCGP-1 # ESX10-015-0030  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Standing Stone Township  
 Receiving Stream(s) and Classification(s) King Creek Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0014  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wyalusing Township  
 Receiving Stream(s) and Classification(s) UNT Secondary—Wyalusing Creek

ESCGP-1 # ESX10-115-0006  
 Applicant Name Chief Gathering, LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) UNT to Stevens Creek, Stevens Creek

ESCGP-1 # ESX09-033-0005(01)  
 Applicant Name Chief Oil and Gas, LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Clearfield  
 Township(s) Lawrence Township  
 Receiving Stream(s) and Classification(s) Little Clearfield Creek Secondary—Clearfield Creek

ESCGP-1 # 58-09-805(01)  
 Applicant Name Chief Oil and Gas, LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna  
 Township(s) Lathrop Township  
 Receiving Stream(s) and Classification(s) Horton Creek Secondary—Tunkshannock Creek

ESCGP-1 # ESX10-015-0033  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells Township  
 Receiving Stream(s) and Classification(s) Bear and Mill Creeks

ESCGP-1 # ESX10-035-0001  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Clinton  
 Township(s) Noyes Township  
 Receiving Stream(s) and Classification(s) Clendenin Br, Rock Run, East Branch Big Run Secondary—Water Baker Run, Shoemaker Branch Big Run

ESCGP-1 # ESX10-027-0002  
 Applicant Name EXCO Resources (PA), Inc.  
 Contact Person Joel Heiser  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Centre  
 Township(s) Burnside Township  
 Receiving Stream(s) and Classification(s) Sterling Run Basin Secondary—West Branch Susquehanna River

## SPECIAL NOTICES

### CATEGORICAL EXCLUSION

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

*Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sugarcreek Borough	212 Fox Street Franklin, PA 16323	Venango

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Sugarcreek Borough proposes to repair and renovate sections of existing sewer mains and lateral sections in the Rocky Grove and Sugarcreek Village areas of the Borough. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

### DRINKING WATER STATE REVOLVING FUND

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

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

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Cornplanter Township	136 Petroleum Center Road Oil City, PA 16301	Venango



*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Cornplanter Township proposes to replace the existing potable water line system along the Route 8 corridor from the boundary of the City of Oil City to the Borough of Rouseville (near Waitz Road). This line was installed in the 1930's; constructed of cast iron pipe and has deteriorated, is a constant maintenance problem and is no longer considered functional for fire protection. The project consists of an extension of approximately 7,000 feet of 10" diameter water line, 12 fire hydrants and 21 industrial/commercial service connections. The technique to be used to install the new waterline will be Horizontal Directional Drilling (HDD), which yields less ground disturbance, and no need for long open trench cutting to install the waterline pipe. This project will eliminate the 27% of unaccounted-for water losses and improve the reliability and viability of the system. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Evans City Borough	204B South Jackson Street Evans City, PA 16033	Butler

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The proposed project will replace the existing potable water line system along Mars-Evans City Road, Birch Street and Glenwood Avenue. The Evans City Borough owns and operates a public water supply serving 235 residential, commercial, industrial and institutional customers within the proposed project area. Many of these customers regularly experience low pressures and no service during periods of peak usage at Marburger Dairy. Marburger Dairy also experiences low flows during peak usage hours. The existing waterline on Mars-Evans City Road will be replaced with 2,700 LF of 10" waterline to increase the quantity of water available, as well as increase the static pressure to alleviate low pressures; 420 LF of 8" DI pipe will be installed around the Marburger Dairy; the 2-inch waterline of Birch Street will be replaced with 1,150 LF of 8" PVC waterline, to extend to and connect with the 4" waterline on Glenwood Avenue. New fire hydrants and valving will also be installed. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 10-398. Filed for public inspection March 5, 2010, 9:00 a.m.]

**Delaware Water Resources Regional Committee; Meeting Reschedule**

The original February 12, 2010, Delaware Regional Resources Committee was canceled do to inclement weather and has been rescheduled to March 24, 2010. The meeting will be held at the Department of Environmental Protection (Department) Southeast Regional Office Building, 2 East Main Street, Norristown, PA 19401-4915. The meeting starts at 9:30 a.m.

Questions concerning the meeting can be directed to Jay Braund at (717) 787-2402 or jbraund@state.pa.us. The schedules and an agenda for each meeting, including meeting locations and meeting materials, will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-399. Filed for public inspection March 5, 2010, 9:00 a.m.]

**Laboratory Accreditation and Advisory Committee; Meeting Cancellation**

The Laboratory Accreditation Advisory Committee meeting scheduled for Thursday, March 11, 2010, has been cancelled.

The next regularly scheduled meeting will be held on June 10, 2010, in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17105-1467. The agenda and meeting materials will be available through the Public Participation Center on Department of Environmental Protection's web site at http://www.dep.state.pa.us.

Questions concerning this meeting cancellation can be directed to Aaren S. Alger at (717) 346-8212 or aaalger@state.pa.us.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-400. Filed for public inspection March 5, 2010, 9:00 a.m.]

**Statewide Water Resources Committee; Technical Subcommittee Meeting Announcement**

A meeting of the Technical Subcommittee of the Statewide Water Resources Committee will be held on March 26, 2010, at 9 a.m. in Room 105 at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the meeting can be directed to Jay Braund at (717) 787-2402 or e-mail to jbraund@state.pa.us. The schedules and an agenda for each meeting, including meeting locations and meeting materials,



will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-401. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the streams listed to determine the proper Aquatic Life Use or Special Protection designations in the Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Pine Creek—Mainstem, from Marsh Creek to the confluence with West Branch Susquehanna River	Tioga—Lycoming	West Branch Susquehanna River
Little Pine Creek—Basin, from the source to the confluence with Pine Creek	Lycoming	Pine Creek
Elk Run—Basin, from the source to the confluence with Pine Creek	Tioga	Pine Creek
Tioga River—Basin, from the source to the confluence with Elk Run	Tioga	Susquehanna River
Stephenhouse Run—Basin, from the source to the confluence with Crooked Creek	Tioga	Crooked Creek
Ives Run—Basin, from the source to the confluence with Crooked Creek	Tioga	Crooked Creek
Jemison Creek—Basin, from the source to the confluence with Cowanesque River	Tioga	Cowanesque River
Unnamed Tributary (31143) to Cowanesque River (Dodge Hollow)—Basin, from the source to the confluence with Cowanesque River	Potter	Cowanesque River

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board (Board) for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, [tshaw@state.pa.us](mailto:tshaw@state.pa.us). Data should be submitted no later than April 5, 2010. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

Pine Creek, a tributary to West Branch Susquehanna River, is currently designated High Quality-Trout Stocking (HQ-TSF) from the mainstem confluence with Marsh Creek to the confluence with West Branch Susquehanna River. The Pine Creek study area will include the entire mainstem from Marsh Creek to the confluence with West Branch Susquehanna River.

Little Pine Creek, a tributary to Pine Creek, is currently designated Cold Water Fishes (CWF) from the mainstem confluence of Texas and Blockhouse Creeks to Little Pine Creek Dam and Trout Stocking (TSF) from Little Pine Creek Dam to mouth. Texas Creek, a tributary

to Little Pine Creek, is currently designated HQ-CWF from the basin source to confluence with Blockhouse Creek. Blockhouse Creek, a tributary to Little Pine Creek, is currently designated CWF from the basin source to the confluence of Texas Creek, with the exception of Flicks Run which is designated HQ-CWF. Little Pine Creek tributaries from the confluence of Texas and Blockhouse Creeks to mouth are currently designated HQ-CWF, with the exception of English and Otter Runs which are currently designated CWF. The Little Pine Creek study area will include the entire Little Pine Creek basin.

Elk Run, a tributary to Pine Creek, is currently designated HQ-CWF from the basin source to the mouth. The Elk Run study area will include the entire Elk Run basin.

Tioga River, a tributary to Susquehanna River, is currently designated CWF from the basin source to the confluence with Elk Run. The Tioga River study area will include the entire Tioga River basin from the source to the confluence with Elk Run.

Stephenhouse Run, a tributary to Crooked Creek, is currently designated CWF from the basin source to the confluence with Crooked Creek. Ives Run, a tributary to Crooked Creek, is currently designated Warm Water Fishes (WWF) from the basin source to the confluence

with Crooked Creek. The Stephenhouse and Ives Runs study areas will include each entire basin respectively from their sources to their confluence with Crooked Creek.

Jemison Creek, a tributary to Cowanesque River, is currently designated HQ-CWF from the basin source to T-559 bridge at Azelta and WWF from T-559 bridge to the confluence with Cowanesque River. Dodge Hollow, a tributary to Cowanesque River, is currently designated CWF from the basin source to the confluence with Cowanesque River. The Jemison Creek and Dodge Hollow study areas will include each entire basin respectively from their sources to their confluence with Cowanesque River.

Recent sampling efforts have indicated that the current designated use for Pine Creek mainstem, Little Pine Creek, Elk Run, Tioga River, Stephenhouse Run, Ives Run, Jemison Creek and Dodge Hollow basins should be reassessed. These assessments may lead to recommendations to the Board for redesignation.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-402. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Adoption of the 2010 Edition of the Guidelines for Design and Construction of Health Care Facilities

Under its authority in the Health Care Facilities Act (act) (35 P. S. §§ 448.101—448.904) and the hospital and ambulatory surgical facility regulations promulgated under the act, the Department of Health (Department) will adopt the 2010 edition of the “Guidelines for Design and Construction of Health Care Facilities” (Guidelines), effective October 4, 2010. As of October 4, 2010, the Department will apply these new requirements to all plans for new construction or renovations for hospitals and ambulatory surgical facilities.

The Department currently applies the 2006 edition of the Guidelines for all new construction, renovations or modernization of hospitals and ambulatory surgical facilities. The 2006 edition of the Guidelines will continue to be utilized through October 3, 2010.

The Department has received inquiries regarding the implementation of the 2010 edition of the Guidelines, and when they would be enforced. The 2010 edition of the Guidelines can be utilized beginning April 5, 2010, however, to allow adequate lead-in time for larger or more complicated projects, the mandatory usage of the new Guidelines will not take effect until October 4, 2010. The established procedure requires the submission of construction plans and the issuance of a final construction plan approval by the Division of Safety Inspection prior to the start of any new construction, renovation, modernization or changes in usage. Blueprints are to be submitted

to the Division and are reviewed for compliance with the NFPA 101, Life Safety Code, and the requirements as set forth in the Guidelines. The plan approval function is a requirement to insure that all new construction or renovations comply with all applicable regulations to avoid building non-compliant conditions into hospitals or ambulatory surgical buildings, which would necessitate costly remedial work to correct prior to the Department allowing the renovated area to be occupied.

After construction has been completed, a final inspection must be conducted for Life Safety Code requirements by the Division of Safety Inspection, and for State Licensure and/or Federal Certification requirements by the Division of Acute and Ambulatory Care.

The Department recommends that smaller renovation projects or new additions be designed and submitted for approval based on compliance with the 2010 edition of the Guidelines as soon as possible after April 5, 2010. Although it is still permissible to utilize the 2006 edition until October 3, 2010, it would be prudent to utilize the 2010 edition. Larger or more complicated projects should be designed in conformance with the new Guidelines, however, all final plan approvals issued after October 3, 2010, will be based upon conformance with the 2010 edition of the Guidelines, regardless of when the preliminary plans were submitted.

Those persons interested in purchasing a copy of the 2010 edition of the “Guidelines for Design and Construction of Health Care Facilities” may telephone the Facility Guidelines Institute (FGI) at 1-800-242-2626, or online at [www.ashestore.com](http://www.ashestore.com).

Questions regarding this notice should be directed to Charles A. Schlegel, Acting Director, Division of Safety Inspection at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact the following: 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. 10-403. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Consumer Notice of Direct Care Worker Status

#### Form to be completed by every consumer utilizing the services of a Home Care Agency or Home Care Registry which is licensed 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) were published in the *Pennsylvania Bulletin* at Volume 39, Number 49, page 6958, effective December 12, 2009.

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.

The licensure regulations, at 28 Pa. Code § 611.57, require a HCA or HCR, prior to the commencement of home care services, to provide to the consumer, the consumer’s legal representative or responsible family member an information packet containing, among other items, a disclosure in the format to be provided by the

Department, addressing the employee or independent contractor status of the direct care worker providing services to the consumer, and the resultant respective tax and insurance obligations and other responsibilities of the consumer and the HCA or HCR.

The Department published the Consumer Notice of Direct Care Worker Status in the *Pennsylvania Bulletin* at Volume 40, Number 6, page 757, on February 6, 2010. The form as published contains errors. This notice is to advise that interested persons may access the correct version of the form at <http://www.health.state.pa.us> by clicking on "Home Care Agency Application Form" under "What's Hot" on the right side of the page, or by contacting the Division of Home Health at (717) 783-1379.

All entities or organizations applying for licensure as a HCR or HCA shall begin using the Consumer Notice of Direct Care Worker Status upon receipt of a license to operate a HCR or HCA.

Existing HCAs and HCRs, currently operating under 28 Pa. Code § 611.2(c), shall begin using the Consumer Notice of Direct Care Worker Status within 60 days of the date of this notice.

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*

[Pa.B. Doc. No. 10-404. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Report and Referral Act 89 (11 P.S. §§ 876-1—876-9) will hold a public meeting from 10 a.m. to 3 p.m. on Thursday, April 1, 2010, at Dixon University Center, Conference Rooms A/B, Administration Building, 2986 North 2nd Street, Harrisburg, PA 17110. Driving directions can be found on the Dixon University web site at: [www.dixonuniversitycenter.org](http://www.dixonuniversitycenter.org).

For additional information or persons with a disability and who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-405. Filed for public inspection March 5, 2010, 9:00 a.m.]

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

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.7(c) and (d) (relating to physician assistants and certified registered nurse practitioners).

Chapel Manor  
1104 Welsh Road  
Philadelphia, PA 19115  
FAC ID 031602

Devon Manor  
235 Lancaster Avenue  
Devon, PA 19333  
FAC ID 041202

Garden Spring Center  
1113 North Easton Road  
Willow Grove, PA 1909  
FAC ID 860202

Golden LivingCenter-Kinzua  
205 Water Street  
Warren, PA 16365  
FAC OD 071402

Golden LivingCenter-Oil City  
1293 Grandview Road  
Oil City, PA 16301  
FAC ID 331502

Golden LivingCenter-Phoenixville  
833 South Main Street  
Phoenixville, PA 19460  
FAC ID 160702

Harston Hall  
350 Haws Lane  
Flourtown, PA 19031  
FAC ID 080702

Hillcrest Center  
1245 Church Road  
Wyncote, PA 19095  
FAC ID 034402

Liberty Court, Genesis ElderCare Network  
1526 Lombard Street  
Philadelphia, PA 19146  
FAC ID 200402

ManorCare Health Svcs-Huntingdon Valley  
3430 Huntingdon Pike  
Huntingdon Valley, PA 19006  
FAC ID 053802

ManorCare Health Services-King of Prussia  
600 West Valley Forge Road  
King of Prussia, PA 19406  
FAC ID 125902

ManorCare Health Services-Lancaster  
100 Abbeyville Road  
Lancaster, PA 17603  
FAC ID 231302

ManorCare Health Services-Lansdale  
640 Bethlehem Pike  
Montgomeryville, PA 18936  
FAC ID 382402

ManorCare Health Services-Laureldale  
2125 Elizabeth Avenue  
Laureldale, PA 19605  
FAC ID 903502



ManorCare Health Services at Mercy Fitzgerald  
600 South Wycombe Avenue  
Yeadon, PA 19050  
FAC ID 074902

ManorCare Health Services-Yeadon  
14 Lincoln Avenue  
Yeadon, PA 19050-2822  
FAC ID 122002

Mifflin Center  
500 East Philadelphia Avenue  
Shillington, PA 19607  
FAC ID 081002

Rittenhouse Pine Center  
1700 Pine Street  
Norristown, PA 19401  
FAC ID 068202

Twinbrook Medical Center  
3805 Field Street  
Erie, PA 16511  
FAC ID 200602

Golden Living Center-East Mountain  
101 East Mountain Boulevard  
Wilkes-Barre, PA 18702  
FAC ID 026502

Manorcare Health Services-Pottsville  
Pulaski and Leader Drive  
Pottsville, PA 17901  
FAC ID 383802

Golden Living Center-Mansion  
1040-52 Market Street  
Sunbury, PA 17801  
FAC ID 130502

Manorcare Health Services-Lebanon  
900 Tuck Street  
Lebanon, PA 17042  
FAC ID 905002

Abington Manor  
100 Edella Road  
Clarks Summit, PA 18411  
FAC ID 053202

Manorcare Health Services-Kingston  
200 Second Avenue  
Kingston, PA 18704  
FAC ID 900102

Berkshire Center  
5501 Perkiomen Avenue  
Reading, PA 19606  
FAC ID 044502

Manorcare Health Services-Jersey Shore  
1008 Thompson Street  
Jersey Shore, PA 17740  
FAC ID 121302

Laurel Center  
125 Holly Road  
Hamburg, PA 19526  
FAC ID 123902

Manorcare Health Services-West Reading North  
425 Buttonwood Street  
West Reading, PA 19611  
FAC ID 902202

Hampton House  
1548 Sans Souci Parkway  
Wilkes-Barre, PA 18706  
FAC ID 080302

Manorcare Health Services-Sinking Spring  
3000 Windmill Road  
Sinking Spring, PA 19608  
FAC ID 380702

Old Orchard Health Care Center  
4100 Freemansburg Avenue  
Easton, PA 18045  
FAC ID 09350200

Manorcare Health Services-Easton  
2600 Northampton Street  
Easton, PA 18045  
FAC ID 125202

Liberty Nursing and Rehabilitation Center  
535 North 17th Street  
Allentown, PA 18104  
FAC ID 121802

Manorcare Health Services Bethlehem (2029)  
2029 Westgate Drive  
Bethlehem, PA 18017  
FAC ID 900402

Manorcare Health Services-Williamsport South  
101 Leader Drive  
Williamsport, PA 17701  
FAC ID 641502

Manorcare Health Services-Bethlehem (2021)  
2021 Westgate Drive  
Bethlehem, PA 18017  
FAC ID 900302

Manorcare Health Services-Williamsport North  
300 Leader Drive  
Williamsport, PA 17701  
FAC ID 901502

Manorcare Health Services-Yardley  
1480 Oxford Valley Road  
Yardley, PA 19067  
FAC ID 125802

Manorcare Health Services-Pottstown  
724 North Charlotte Street  
Pottstown, PA 19464  
FAC ID 380402

Manorcare Health Services-Sunbury  
800 Court Street Circle Road  
Sunbury, PA 17801  
FAC ID 123302

Manorcare Health Services-Elizabethtown  
320 South Market Street  
Elizabethtown, PA 17022  
FAC ID 023202

Manorcare Health Services-Whitehall Borough  
505 Weyman Road  
Pittsburgh, PA 15236  
FAC ID 10230200

Sanatoga Center  
225 Evergreen Road  
Pottstown, PA 19464  
FAC ID 233702

Valley Manor Nursing & Rehab Center  
7650 Route 309  
Coopersburg, PA 18036  
FAC ID 480202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health

and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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 it decides 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 accommodations 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. 10-406. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Curriculum Guidelines and Minimum Proficiency Requirements for Gaming School Instruction

The Department of Labor & Industry, in consultation with the Department of Education and the Gaming Control Board, adopts the following Curriculum Guidelines and Minimum Proficiency Requirements for Gaming School Instruction under the authority granted and as required by Title 4 (Amusements) of the Pennsylvania Consolidated Statutes as amended by Act 1 of 2010.

The Curriculum Guidelines and Minimum Proficiency Requirements have been developed to establish courses of instruction that will provide individuals with adequate job training necessary to obtain employment as a table game employee with a licensed gaming entity in the Commonwealth.

#### *Curriculum Guidelines*

A curriculum related to the conduct of table games offered by a gaming school must meet the minimum hours and term of instruction for specific games as defined in the Temporary Table Games Regulations adopted by the Gaming Control Board and published in 58 Pa. Code, Part VII Subpart K—Table Games and, at a minimum, include the following elements:

1. Introduction to the Gaming Industry
2. Occupational Permit Restriction—Barriers to employment
3. Overview of Pennsylvania Gaming Regulations
4. Casino chain of command
5. Rules of the games
6. Table game terminology
7. Game dealer's responsibilities
8. Proper procedures of gaming table inventory
9. Types of bets
10. Controlling the pace of the game

11. Game irregularities and strategies for game protection
12. Customer service techniques to enhance the patron's experience
13. Recognition of problem and compulsive gamblers and procedures for informing supervisory personnel
14. Proficiency testing
15. Certificate of satisfactory completion

#### *Minimum Proficiency Requirements*

A curriculum offered by a gaming school shall be designed to provide a student with the appropriate instruction, knowledge and skills required to obtain employment as a table game dealer and shall include the following minimum proficiencies:

1. Demonstration of proper chip handling and cutting
2. Demonstration of proper procedure for chunking, mucking, racking chips
3. Demonstration of proper procedures for opening and closing games
4. Demonstration of proper shift change procedures
5. Demonstration of proper procedure for relieving the dealer
6. Demonstration of proper procedures of table game inventory, including replenishment of chips; removing of chips from the table; and the issuance of counter checks (markers)
7. Demonstration of proper procedures for utilizing and inspecting table game devices
8. Demonstration of proper procedures for card inspection, card spreading techniques, card shuffling and placement for games using cards
9. Demonstration of the proper techniques of card dealing
10. Demonstration of proper dice handling, dice calling, dice inspection and dice equipment for games using dice
11. Demonstration of proper handling of tiles and tile placement for games using tiles
12. Demonstration of proper procedure for spinning the wheel for those games using wheels
13. Demonstration of proper procedure for placing and removal of wagers
14. Demonstration of proper procedure for taking and paying wagers
15. Demonstration of proper procedure for change of currency into chips
16. Demonstration of proper procedure for counting cash and counting odd amounts of cash
17. Demonstration of proper procedure for calculating and collecting commissions and rakes
18. Demonstration of proper procedure for payoffs, totals and conversions
19. Demonstration of proper procedure for accepting tokens (tips) and gratuities from patrons at a gaming table
20. Demonstration of proper procedures for counting chip inventory at conclusion of gaming day

*Cardio-pulmonary resuscitation (CPR) Training*

In addition to the Curriculum Guidelines and Minimum Proficiency Requirements, every gaming school shall offer an approved course of instruction in cardio-pulmonary resuscitation and every individual attending a gaming school shall be certified in cardio-pulmonary resuscitation before successful completion of any gaming instruction.

Required hours of instruction in cardio-pulmonary resuscitation shall be in addition to the established minimum hours of instruction for individual games and shall not count toward the total hours of instruction required for specific games as adopted by regulation of the Board.

Students who have been certified in cardio-pulmonary resuscitation prior to enrolling in a gaming school shall be exempt from participation in cardio-pulmonary resuscitation courses offered by the gaming school upon providing satisfactory proof of certification to the gaming school.

*Certificate of Completion*

Successful completion of an approved course of instruction in table games from an accredited educational institution operating as a gaming school will result in the awarding of a Certificate of Completion and shall include the name of the student, the name of the gaming school, the specific game or games that the student is qualified to deal, the number of hours of completed instruction for each game and an acknowledgement that the student is certified in Cardio-pulmonary resuscitation (CPR).

*Course Syllabus*

Every accredited educational institution desiring to operate as an approved gaming school shall develop and make available to the public a Course Syllabus which shall include at a minimum the following:

1. Course name
2. Course objectives
3. Occupational license requirements/barriers to related employment
4. Required hours and term of instruction
5. Attendance policy
6. List of any student provided class material or supplies
7. Overview of Plan of Instruction to include:
  - class assignments
  - class practice time
  - instructor lecture time
  - instructor demonstration time
  - supervised student practice
  - practice auditions and interviews
8. Evaluation of student proficiencies and requirements for awarding a Certificate of Completion

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-407. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Expansion of the Living Independence for the Elderly (LIFE) Program

The Living Independence for the Elderly (LIFE) Program is the Commonwealth's replication of the Program of All-inclusive Care for the Elderly (PACE) Model. The Department of Public Welfare (Department) is asking organizations interested in participating as a LIFE provider, in the proposed service areas listed, to contact the Department. Providers will be responsible to provide a specific package of services to individuals enrolled in the program, who are eligible for Medical Assistance (MA) and have been determined to require nursing facility services. To be considered for a LIFE site, organizations must be enrolled in the MA Program, meet the requirements included in the Federal PACE regulations and LIFE Provider Agreement, and have a completed feasibility study through an approved PACE Technical Assistance Center. The feasibility study must evaluate and address at least the following:

- Market analysis to determine potential demand for the PACE services in the proposed service area.
- Organization's commitment to principles consistent with the PACE model; depth of leadership and experience required to develop PACE; evidence of primary, acute and/or long-term care services; and experience in serving a dually eligible (Medicare/Medicaid) population.
- Financial capacity of organization to fund program development, assume financial risk and fund risk reserve.
- Project design.
- Projected 5 year start-up budget.

The Department will consider, among other things, the following factors when determining site selection for LIFE:

- MA service need.
- MA service availability (availability of nursing facility services, home and community based services, and similar services).
- Project location (suburban v. urban, existing project sites, and the like).
- Uniqueness of project design (closing existing nursing facility beds; collaboration efforts with affordable housing providers, hospitals, nursing facilities, and referral sources; and the like).
- Time line for program development.
- Demonstration of plan to achieve solvency and fund risk reserve.
- Financial strength of the sponsoring institutions.

Questions regarding the PACE Protocol or the feasibility study through a PACE Technical Assistance Center should be directed to Leo LaPlante, Bureau of Community Development, (717) 783-7375.

Organizations that feel they meet the criteria listed in this notice and are interested in being considered to provide services under LIFE should submit a letter of interest, along with a copy of their completed feasibility study no later than 90 days from the date of this notice,



to Bureau of Community Development, Office of Long-Term Living, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101.

Current LIFE providers interested in expanding beyond their designated zip code area are also invited to respond. Responses should be directed to the previously listed address and include a letter of interest, along with a market analysis of the area of interest.

*Proposed Service Areas*

Bedford	Clinton	Juniata	Somerset
Bradford	Elk	Mifflin	Sullivan
Cameron	Fulton	Montgomery	Susquehanna
Carbon	Huntingdon	Perry	Tioga
Clearfield	Jefferson	Potter	Wayne

**Fiscal Note:** 14-NOT-632. No fiscal impact; (8) recommends adoption.

HARRIET DICHTER,  
*Acting Secretary*

[Pa.B. Doc. No. 10-408. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Red Hot Slots 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 Red Hot Slots.

2. *Price:* The price of a Pennsylvania Red Hot Slots instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Red Hot Slots instant lottery game ticket will contain one play area consisting of "SPIN 1," "SPIN 2," "SPIN 3," "SPIN 4," "SPIN 5," "SPIN 6," "SPIN 7," "SPIN 8," "SPIN 9," "SPIN 10," "SPIN 11" and "SPIN 12." Each "SPIN" is played separately. Each "SPIN" features a play area and a "PRIZE" area. The play symbols and their captions located in the play area are: BAR symbol (BAR), Bell symbol (BEL), Cherries symbol (CHR), Coin symbol (COIN), Diamond symbol (DMND), Dollar symbol (DLAR), Pot of Gold symbol (GOLD), Horse Shoe symbol (SHOE), Star symbol (STAR), 7 symbol (SEVN) and a HOT symbol (HOT).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "SPIN" are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14<sup>00</sup> (FORTN), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$35<sup>00</sup> (TRY FIV), \$50<sup>00</sup> (FIFTY), \$70<sup>00</sup> (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$15, \$20, \$35, \$50, \$70, \$100, \$700, \$1,000, \$10,000 and \$100,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Red Hot Slots instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(g) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$700.

(h) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(l) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$70.

(m) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$35<sup>00</sup> (TRY FIV) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$35.

(p) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$35<sup>00</sup> (TRY FIV) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(q) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$35.

(r) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$14<sup>00</sup> (FORTN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$14.

(u) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$14<sup>00</sup> (FORTN) appears in the

"PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(v) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$7.

(y) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(z) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$5.

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

*Get 3 Like Symbols In Any Spin, Win Prize Shown To The Right Of That Spin.*

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$5 w/HOT	\$5	30	200,000
\$5	\$5	20	300,000
\$7 w/HOT	\$7	120	50,000
\$7	\$7	120	50,000
\$5 x 2	\$10	60	100,000
\$10 w/HOT	\$10	60	100,000
\$10	\$10	50	120,000
\$7 x 2	\$14	120	50,000
\$14 w/HOT	\$14	120	50,000
\$14	\$14	120	50,000
\$5 x 4	\$20	300	20,000
\$10 x 2	\$20	200	30,000
\$20	\$20	40	150,000
\$5 x 7	\$35	428.57	14,000
\$5 w/THREE 7'S	\$35	421.05	14,250
\$7 x 5	\$35	428.57	14,000
\$35 w/HOT	\$35	421.05	14,250
\$35	\$35	421.05	14,250
\$5 x 10	\$50	1,200	5,000
(\$5 w/THREE 7'S) + (\$5 x 3)	\$50	1,200	5,000
(\$5 x 4) + (\$10 x 3)	\$50	1,200	5,000
\$10 x 5	\$50	1,200	5,000
\$50 w/HOT	\$50	1,200	5,000
\$50	\$50	1,200	5,000
\$7 x 10	\$70	2,400	2,500
\$10 x 7	\$70	2,400	2,500
\$10 w/THREE 7'S	\$70	2,400	2,500

Get 3 Like Symbols In Any Spin, Win Prize Shown To The Right Of That Spin.

Win With Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
\$14 × 5	\$70	2,400	2,500
\$35 × 2	\$70	2,400	2,500
\$70 w/HOT	\$70	2,400	2,500
\$70	\$70	2,400	2,500
\$10 × 10	\$100	4,000	1,500
(\$10 w/THREE 7'S) + (\$10 × 3)	\$100	4,000	1,500
(\$10 w/THREE 7'S) + (\$15 × 2)	\$100	4,000	1,500
\$20 × 5	\$100	4,000	1,500
\$50 × 2	\$100	4,000	1,500
\$100 w/HOT	\$100	4,000	1,500
\$100	\$100	4,000	1,500
\$100 × 7	\$700	24,000	250
\$100 w/THREE 7'S	\$700	24,000	250
\$700 w/HOT	\$700	24,000	250
\$700	\$700	24,000	250
\$100 × 10	\$1,000	60,000	100
\$1,000 w/HOT	\$1,000	60,000	100
\$1,000	\$1,000	60,000	100
\$10,000	\$10,000	240,000	25
\$100,000	\$100,000	600,000	10

Three "7" (SEVN) symbols in any spin = Win 7 times the prize to the right of that spin.  
 HOT (HOT) symbol = Win prize to the right of that spin.

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 Red Hot Slots 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 Red Hot Slots, prize money from winning Pennsylvania Red Hot Slots 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 Red Hot Slots 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 Red Hot Slots or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-409. Filed for public inspection March 5, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Bucks County

Under section 2002(b) of The Administrative Code of 1920 (71 P. S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Department of Transportation is planning a bridge replacement project that involves the replacement of the bridge structure carrying SR 1014 (Geigel Hill Road) over the Tincum Creek in Tincum Township, Bucks County. The original bridge was a single-span Pratt thru-truss bridge that was constructed in 1888. In September 2003, the structure was closed to traffic as a result of a vehicular accident and severe deterioration.

Subsequent to an inspection conducted in January 2008, the bridge was closed to pedestrian traffic due to concern for the structural integrity of the bridge. Finally, the bridge was demolished in June 2008, because it was in imminent danger of collapsing and posed a threat to public health, safety and welfare.

The subject project is considered a Level 2 Environmental Documentation.

Resources within the project area that qualify as section 2002 resources include the following: Ridge Valley Rural Historic District (HD); the SR 1014 bridge (a contributing element to the district); three contributing resources to the HD in the northeast quadrant (that is, blacksmith shop, wood barn and butcher's shop), one contributing resource to the HD in the southeast quadrant (that is, residential dwelling) and Tincum Creek. The HD was listed in the National Register of Historic Places on July 24, 1992. Tincum Creek is designated as a segment of the Lower Delaware National Wild and Scenic



River. Impacts to the SR 1014 Geigel Hill Road Bridge over Tincum Creek will constitute a use of the section 2002 resource.

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. 10-410. Filed for public inspection March 5, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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>
16A-5136	State Board of Nursing Biennial Renewal Fees 39 Pa.B. 7105 (December 19, 2009)	1/19/10	2/18/10
16A-5615	State Real Estate Commission Initial Licensure Fees 39 Pa.B. 7109 (December 19, 2009)	1/19/10	2/18/10
16A-4410	State Board of Podiatry Continuing Education 39 Pa.B. 7107 (December 19, 2009)	1/19/10	2/18/10
11-240	Insurance Department Education and Training for Applicants and Insurance Providers 39 Pa.B. 7213 (December 26, 2009)	2/16/10	2/24/10

#### State Board of Nursing Regulation #16A-5136 (IRRC #2809)

#### Biennial Renewal Fees

February 18, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 Nursing (Board) to respond to all comments received from us or any other source.

#### 1. Section 21.5. Fees.—Duplication; Clarity.

In its comments on the proposed regulation on January 25, 2010, the House Professional Licensure Committee (House Committee) suggested deletion of the “Examination and Licensure” fee of \$35, which is listed twice in the existing schedule of fees in Subsection (a). We agree.

#### 2. Section 21.705. Fees.—Clarity.

The House Committee noted errors in the web site references in subsections (c) and (d). In subsection (c), the proposed regulation would delete the reference to “www.cdrnet.org” and replace it with a different one. This change is unnecessary since “www.cdrnet.org” is still the correct link for the web site of the Commission on Dietetic Registration. We recommend that the Board retain the correct reference in its existing language, which is being reformatted as subsection (c), in the final-form regulation. In subsection (d), the existing reference for the web site for the Certification Board for Nutrition Specialists is incorrect. This organization’s web site can be found at “www.cbns.org.” We recommend that the correct reference be placed in the final-form regulation.

#### 3. General.—Fiscal impact.

The Board did not submit a “fee report form” with the proposed regulation that was delivered to the House and Senate Committees and this Commission. In previous rulemakings, other licensure boards submitted fee report

forms for biennial renewal fees that documented the effect of the proposed increase on biennial revenue cycles. See Regulations #16A-6915 (IRRC #2638), #16A-5512 (IRRC #2759), and #16A-5723 (IRRC #2788). The Board should submit a fee report form for the increases in the final-form regulation.

**State Real Estate Commission  
Regulation #16A-5615 (IRRC #2810)**

**Initial Licensure Fees  
February 18, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 Real Estate Commission to respond to all comments received from us or any other source.

**Biennial renewal fee categories.—Clarity.**

In our review of the fee descriptions in Section 35.203, we noticed an apparent inconsistency. The fee descriptions relating to review of qualifications, initial licensure and change of name or address all include the categories of “builder-owner salesperson” and “time-share salesperson.” However, we could not find these categories in the description of biennial renewal fees. If biennial renewal fees are required for a “builder-owner salesperson” and “time-share salesperson,” we recommend amending the biennial renewal fee description to include them.

**State Board of Podiatry  
Regulation #16A-4410 (IRRC #2811)**

**Continuing Education  
February 18, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 Podiatry (Board) to respond to all comments received from us or any other source.

**Section 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.—Implementation procedures; Clarity.**

This proposed rulemaking amends the Board’s existing continuing education requirements by increasing the required clock hours from 30 to 50 in a biennial period. Thirty of those clock hours must be in courses and programs in podiatry approved by the Board or the Council of Podiatric Medical Education. The remaining 20 hours must be in courses or programs approved by those two organizations or in courses and programs in “related medical subjects” that are approved by the American Medical Association (AMA) or the American Osteopathic Association (AOA).

Both the existing and proposed rulemaking state that a licensee is responsible for ensuring that a course or program has been approved for continuing education credit prior to participating in the course or program. Although this is not a new requirement, we share the concern of the House Professional Licensure Committee and ask how a licensee can ensure that a course or program has been approved.

In addition, we believe the phrase “related medical subjects” is vague. How will a licensee know if a course approved by the AMA or the AOA meets the standard of being related to podiatry? We recommend that a more precise standard be included in the final-form regulation.

**Insurance Department  
Regulation #11-240 (IRRC #2812)**

**Education and Training for Applicants and  
Insurance Producers  
February 24, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the December 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 Insurance Department (Department) to respond to all comments received from us or any other source.

**1. Differences between the existing regulation and the proposed regulation.—Determining if the regulation is in the public interest; Need.**

This proposed regulatory package deletes an existing chapter of the Department’s regulations entitled “Continuing Education for Insurance Agents and Brokers” and replaces it with a new chapter entitled “Education and Training for Applicants and Insurance Producers.” Much of the language contained in the new proposed chapter is very similar to language contained in the existing chapter. The Preamble included with this regulatory package provides a brief summary of each section of the new proposed chapter. However, it does not explain why there are differences between the two versions of the rulemaking. For example, the new definitions section defines terms that are not in the existing regulation and does not include terms that are in the existing regulation. Another example of changes can be found in the sections pertaining to sponsors. Time frames for complying with certain provisions have been changed, but there is no explanation of why those changes were made. In order for this Commission to determine if the regulation is in the public interest, a more detailed explanation of the changes being proposed is required. In the Preamble to the final-form regulation, we ask the Department to provide a more detailed explanation of each section and why some provisions differ from the existing regulation.

**2. Section 39a.9. Training requirements for insurance producers.—Reasonableness; Need; Implementation procedures; Clarity.**

*Subsection (b)—Long-term care insurance.*

Under Subsection (b)(4)(i)(A), individuals already licensed as insurance producers must complete eight hours of training in the first full two-year licensing cycle after the adoption of the rulemaking. A commentator has noted that this differs from the National Association of Insurance Commissioners (NAIC) model rule, on which this rulemaking is partially based. The model rule requires licensed producers to complete eight hours of training within one year of the effective date of the regulation. What is the reason for the difference between the proposed regulation and NAIC’s model rule?

Similarly, under Subsection (b)(4)(i)(B), why is the Department deviating from the model rule by requiring licensed producers, resident and non-resident, to complete one hour of training related to the Pennsylvania Medical Assistance Program?

*Subsection (c)—Requirements for insurers.*

Subsection (c)(1) requires insurers writing long-term care insurance to obtain “proof” that an insurance producer has received required training. What type of “proof” would be acceptable? We suggest that a more specific standard be included in the final-form regulation.

Subsection (c)(2) requires certain records to be maintained “in accordance with the Commonwealth’s record retention guidelines for insurers as published in the *Pennsylvania Bulletin*.” This requirement is vague. We recommend that the requirements be included in the final-form regulation. In the alternative, we suggest that the Department identify the specific guidelines that need to be followed and when those guidelines will be published in the *Pennsylvania Bulletin*.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-411. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. 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 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, <http://www.irrc.state.pa.us>.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Public Received</i>	<i>Meeting</i>
57-251	Pennsylvania Public Utility Commission Provisions of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers	2/18/10	3/25/10
16A-4620	State Board of Dentistry Clinical Examinations	2/22/10	3/25/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-412. Filed for public inspection March 5, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Woodolph Romeo; Doc. No. SC10-02-011

Notice is hereby given of the Order to Show Cause issued on February 22, 2010, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the previously-referenced matter. Violation of the following is alleged: sections 611-A (1), (3), (7), (8), (14), (20)

and 678-A (a) of The Insurance Department Act of 1921, (40 P. S. §§ 310.11 and 310.78) and 31 Pa. Code §§ 37.46 and 37.47 (relating to standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses).

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 the 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. 10-413. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Application for Approval to Acquire Control of AGL Life Assurance Company

Tiptree Financial Partners, LP has filed an application to acquire control of AGL Life Assurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921, (40 P. S. §§ 991.1402—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-414. Filed for public inspection March 5, 2010, 9:00 a.m.]



### Erie Insurance Exchange; Homeowners; Rate Revision; Rate Filing

On February 18, 2010, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level change for homeowners insurance.

The company requests an overall 5.8% increase amounting to \$16,934,000 annually, to be effective June 1, 2010, for new business and renewal business.

Unless formal administrative action is taken prior to April 19, 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.insurance.pa.gov](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-415. Filed for public inspection March 5, 2010, 9:00 a.m.]

### First Priority Life Insurance Company—BlueCare Direct Select PPO; Rate Filing

By filing No. 1523-FP-29-PPO-DS-1/1/2010 First Priority Life Insurance Company (FPLIC) requested approval to increase the current rates for the BlueCare Direct Select PPO Plan. The filing requests an increase of 10%. A new 10% coinsurance option will be added. In addition a 2.7% rate adjustment is requested for the following benefit changes:

- \* Child Office visits—change copay of PCP/Specialist from \$25/\$50 to \$0/\$25
- \* Preventive benefits—enhancements in coverage to for some benefits for in network procedures
- \* Prenatal care—coverage is 100% for in network
- \* Diagnostic mammograms and prostrate screenings—will not be subject to deductible
- \* Outpatient mental health and substance abuse—coverage will be added

The proposed rate increase would affect approximately 300 members and would produce additional income of about \$0.1 million annually. The requested effective date of the change is April 1, 2010.

Unless formal administrative action is taken prior to May 20, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the "At A Glance" tab, click on the link "Current Rate Filings."

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 or email comments, suggestions or objections to Rashmi

Mathur, Insurance Department, Insurance Product Regulation and Administration, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-416. Filed for public inspection March 5, 2010, 9:00 a.m.]

### The Travelers Home and Marine Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On February 17, 2010, the Insurance Department (Department) received from The Travelers Home and Marine Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 3.04% increase amounting to \$5.368 million annually, to be effective May 23, 2010.

Unless formal administrative action is taken prior to April 18, 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.insurance.pa.gov](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-417. Filed for public inspection March 5, 2010, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Request for Opinion Regarding the Telemarketer Registration Act and the Electricity Generation Customer Choice and Competition Act

February 8, 2010

James H. Cawley, Chairperson  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17120

Dear Chairperson Cawley:

On behalf of the Public Utility Commission (PUC), you have requested my opinion regarding the applicability of the Telemarketer Registration Act (Telemarketer Act), 73 P. S. §§ 2241—2249, to electric generation suppliers as defined in the Electricity Generation Customer Choice and Competition Act (Competition Act), 66 Pa.C.S. §§ 2801—2815.

As a threshold matter under section 204(a)(1) of the Commonwealth Attorneys Act, 71 P.S. § 732—204(a)(1), we must establish that the PUC's request for legal advice concerns "any matter or issue arising in connection with the exercise of the official powers or the performance of the official duties of the [PUC]."

The Competition Act requires electric utilities "to unbundle their rates and services and to provide open access over their transmission and distribution systems to allow competitive suppliers to generate and sell electricity directly to consumers," 66 Pa.C.S. § 2802(14). The Act directs the PUC, by regulation, to require electricity providers to provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of electricity services. (66 Pa.C.S. § 2807(d)(2)) PUC regulations require providers to notify consumers that information is available upon request, 52 Pa. Code § 54.6(h) (relating to request for information about general supply), and prohibit providers from releasing customer information to third parties without customer consent, 52 Pa. Code § 54.8 (relating to privacy of customer information).

Telephone communication is among the means by which electricity providers may seek to discharge their obligation under the Competition Act and regulations to inform customers of choices regarding the purchase of electricity. Section 3(b) of the Telemarketer Act, 73 P.S. § 2243(b), prohibits telemarketers from communicating with consumers by telephone in connection with the purchase of consumer goods or services "unless the telemarketer or the telemarketing business which employs the telemarketer is registered with the Office of Attorney General" and otherwise circumscribes telemarketer activities.

This interplay between the communication requirements of the Competition Act and the communication restrictions of the Telemarketer Act provides ample basis for concluding that the applicability of the Telemarketer Act to electric generation suppliers is an issue "arising in connection with" the PUC's powers and duties. Accordingly, we proceed to address the questions presented in your opinion request.

**1. Is electric generation supply a "consumer good or service" as defined in the Telemarketer Act?**

Section 2 of the Telemarketer Act, 73 P.S. § 2242, defines "consumer goods and services" as "real or personal property or services used for personal, family or household purposes." Electricity is used in countless aspects and activities of daily life; thus electric generation supply is plainly a "service used for personal, family and household purposes" and therefore a "consumer service" within the meaning of the Act.

**2. Is an electric generation supplier excluded from the definition of "telemarketer" in the Telemarketer Act? If so, what is the scope of the exclusion under the Act, does it extend to an agent of a supplier, and does it matter that the source of customer information used for telephone solicitation by a supplier or its agent is an electric distribution company?**

Section 2 of the Telemarketer Act, 73 P.S. § 2242, defines "telemarketer" as:

Any person or business which, in connection with telemarketing, initiates or receives telephone calls to or from a consumer in this Commonwealth, or when the person or business acting in connection with telemarketing is located within this Commonwealth

when such calls are initiated or received. *For purposes of registration under section 3(a)*, "telemarketer" does not include any of the following. . .

(5) A person or business engaged in a business or occupation which is licensed by, certificated by or registered with a Federal or Commonwealth agency while acting within the scope of the business for which licensure, certification or registration is required.

(Emphasis added).

Under this definition, electric generation suppliers engaged in telemarketing are telemarketers for all purposes of the Act except the requirement of Section 3(a), 73 P.S. § 2243(a), that telemarketers register with this Office, from which electric generation suppliers are excluded because they are licensed by the PUC under the Competition Act, 66 Pa.C.S. § 2809(a). Agents of suppliers, such as individuals and businesses initiating or receiving calls pursuant to contracts with suppliers, are not excluded from the definition of "telemarketer" and therefore must register. It is immaterial to the definition or the exclusion that the source of customer information used for telephone solicitation by suppliers or their agents is an electric distribution company.

**3. Is customer consent to the release of information given to an electric distribution company to enable competitive solicitations "an express request" to receive telephone solicitations from electric generation suppliers or their agents within the meaning of the Telemarketer Act?**

Section 2 of the Telemarketer Act, 73 P.S. § 2242, excludes from the definition of a "telephone solicitation call" a call to a residential or wireless consumer "(1) in response to an express request of the residential or wireless consumer." You explain that customers of electric distribution companies may indicate to the company their general consent to the release of information about them to enable competitive solicitations by electric generation suppliers and that such consent may be given by an "opt-in" process in which the customer affirmatively agrees to the release of information or an "opt-out" process in which the customer does not object to (opt-out of) the release of information.

Regardless of process, customer consent to the release of customer information by an electric distribution company to enable competitive solicitations by electric generation suppliers does not constitute "an express request" to receive telephone solicitation calls. The "do-not-call list" defined in section 2 of the Telemarketer Act, 73 P.S. § 2242, protects consumers from unwanted telephone solicitation calls. See sections 5—9, 73 P.S. §§ 2245—2249. The protection of the do-not-call list is defeated if general consent to the release of information given by a consumer to one individual or business operates as general consent to receive telephone solicitations from any number of other individuals or businesses.

**4. Is an electric generation supplier using customer information supplied by an electric distribution company for telephone solicitations shielded from liability under the "error" provision of the Telemarketer Act?**

Section 5(a) of the Telemarketer Act, 73 P.S. § 2245(a), shields a telemarketer who has complied with the four requirements (i)—(iv) of the provision from liability for a telephone solicitation call to a consumer who has previously indicated that he or she does not wish to receive such calls. It is immaterial to this "error" provision of the

Telemarketer Act that an electric generation supplier or its agent uses customer information supplied by an electric distribution company in making telephone solicitation calls.

In summary, it is my opinion, and you are so advised, that electric generation suppliers are subject to all the requirements of the Telemarketer Act, as detailed herein, except the requirement that they register with this Office.

Finally, you are advised that, in accordance with section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732—204(a)(1), you are required to follow the advice set forth in this Opinion and shall not in any way be liable for doing so.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 10-418. Filed for public inspection March 5, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Service Program

**P-2010-2157862. Pennsylvania Power Company.** Petition of Pennsylvania Power Company for approval of a Default Service Program for period January 1, 2011 through May 31, 2013.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before March 22, 2010. The documents filed in support of the petition 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 petitioner's business address.

*Applicant:* Pennsylvania Power Company

*Through and by Counsel:* Thomas P. Gadsen, Kenneth M. Kulak, Anthony C. DeCusatis, Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

### Petition of Pennsylvania Power Company For Approval of its Default Service Program

#### Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Friday, March 26, 2010  
*Time:* 10 a.m.  
*Location:* 2nd Floor Hearing Room—Pittsburgh Parties  
Piatt Place  
301 Fifth Avenue  
Room 220  
Pittsburgh, PA 15222

*Date:* Friday, March 26, 2010  
*Location:* Hearing Room 2—Harrisburg Parties  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA

*Presiding:* Administrative Law Judge Mark A. Hoyer  
Administrative Law Judge Mary D. Long  
Piatt Place  
Room 220  
301 Fifth Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692

Persons with a disability who wish to attend the hearing may be able to make arrangements for their special needs. Call the scheduling office at the Pennsylvania Public Utility Commission (Commission) at least 5 business days prior to the hearing to submit your request.

If an interpreter is required to participate in the hearings the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-419. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Electric Transmission

**A-2010-2159814. Duquesne Light Company.** Application of Duquesne Light Company for the siting and construction of a 345 kV transmission line in the City of Pittsburgh, Municipality of Penn Hills, Verona and Plum Boroughs, Allegheny County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 16, 2010. 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:* Duquesne Light Company

*Through and By Counsel:* Krysia Kubiak, Legal Department, 411 Seventh Avenue, 16-1, Pittsburgh, PA 15219

### Application of Duquesne Light Company

For the siting and construction of a 345 kV transmission line in the City of Pittsburgh, Municipality of Penn Hills, Verona and Plum Boroughs, Allegheny County, PA.

#### Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:



*Date:* Wednesday, April 21, 2010  
*Time:* 10 a.m.  
*Location:* 2nd Floor Hearing Room—Pittsburgh Parties  
 Piatt Place  
 301 Fifth Avenue  
 Room 220  
 Pittsburgh, PA 15222

*Location:* Hearing Room 2—Harrisburg Parties  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA

*Presiding:* Administrative Law Judge John H. Corbett, Jr.  
 Administrative law Judge Katrina Dunderdale  
 Piatt Place  
 Room 220  
 301 Fifth Avenue  
 Pittsburgh, PA 15222  
 Telephone: (412) 565-3550  
 Fax: (412) 565-5692

Persons with a disability who wish to attend the hearing may be able to make arrangements for their special needs. Call the scheduling office at the Pennsylvania Public Utility Commission (Commission) at least 5 business days prior to the prehearing to submit your request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the prehearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-420. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Electric Utilities

**A-2010-2153807. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Beltzville 69-12 kV substation to be constructed in Towamensing Township, Carbon County, PA, is reasonably necessary for the convenience or welfare of the public

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 March 22, 2010. 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:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-421. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Electric Utilities

**A-2010-2159610. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Copperstone 230-69kV substation to be constructed in South Hanover Township, Dauphin County, PA, is reasonably necessary for the convenience or welfare of the public.

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 March 22, 2010. 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:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-422. Filed for public inspection March 5, 2010, 9:00 a.m.]

### Order

Public Meeting held  
 February 11, 2010

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Statement; Kim Pizzigrilli; Wayne E. Gardner; Robert F. Powelson

*Petition of the United Way of Pennsylvania for Information and Referral for the Assignment of 2-1-1 Abbreviated Dialing Code and the Designation of PA 2-1-1 as the Lead Implementing Agency for Pennsylvania 2-1-1 Service; Doc. No. P-2009-2136921*

### Order

*By the Commission:*

On October 19, 2009, pursuant to the provisions of 52 Pa. Code § 5.41, the United Way of Pennsylvania

(“UWP”), the state association representing local United Way chapters that serve communities throughout the Commonwealth of Pennsylvania, filed a petition requesting the assignment of the 2-1-1 abbreviated dialing code to the not-for-profit organization, PA 2-1-1, so that it can be the leading implementing agency of the 2-1-1 abbreviated dialing code for the provision of Information and Referral Services (“I&R Services”) for the State of Pennsylvania. In accordance with 52 Pa. Code § 5.41, UWP served copies of this petition on all parties directly affected and on other parties whom they deemed would be affected by the petition. Specifically, UWP served the petition on the following parties: the Commission’s Office of Trial Staff, the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), the Pennsylvania Telephone Association (“PTA”), Verizon Pennsylvania, Inc. and Verizon North, Inc. (hereinafter jointly referred to as “Verizon”) and The United Telephone Company of Pennsylvania, LLC, f/d/b/a Embarq Pennsylvania (now d/b/a CenturyLink). Additionally, a notice regarding UWP’s Petition was published in the *Pennsylvania Bulletin* on January 2, 2010. See 40 Pa.B. 127 (January 2, 2010).

The Commission received over seventy comments on the UWP’s petition. Most notably, comments were received from Senator Jay Costa, Representative Nick Kotik, Representative Dom Costa, the OCA, PTA and Verizon. Based on the information submitted by UWP and the content of the numerous comments, the Commission grants in part and denies in part the petition.

#### Background

On July 21, 2000, the Federal Communications Commission (“FCC”) ruled that the 2-1-1 abbreviated dialing code should be used exclusively to provide access to community information and referral services.<sup>1</sup> The FCC, acting on a petition filed in 1998 by the United Way of America, the Alliance of Information and Referral Services (“AIRS”) and several other partners, assigned the 2-1-1 abbreviated dialing code as the universal telephone number for non-emergency community information and referral services.<sup>2</sup> The FCC recognized that a universally and easily recognizable number would make it possible for callers in need to make critical connections with the appropriate community-based organizations and government agencies more easily.<sup>3</sup> Accordingly, the FCC reserved the 2-1-1 dialing code for community information and referral services. However, in its order assigning the 2-1-1 dialing code for community information and referral services, the FCC left nearly all implementation issues for any interested local I&R Services group and relevant telecommunications carrier to sort out. The only direction given by the FCC in its order is that, once an entity requested the abbreviated dialing code 2-1-1 from a telecommunications provider, the provider had to grant them access to 2-1-1 dialing in its service territory.

In the meantime, the United Way of Southeastern Pennsylvania had filed a petition at Docket No. P-00001816 with the Commission on June 30, 2000. In its Petition, the United Way of Southeastern Pennsylvania requested the assignment of the 2-1-1 abbreviated dialing code to the Southeastern Pennsylvania 2-1-1 Collaborative for the purpose of providing community service information and referrals in the portion of the then-Bell

Atlantic—Pennsylvania, Inc.’s<sup>4</sup> (now Verizon Pennsylvania, Inc.) service territory comprising the five county Greater Philadelphia region (Philadelphia, Bucks, Chester, Delaware and Montgomery).

As mentioned previously, subsequent to this filing, the FCC had issued its order assigning the 2-1-1 abbreviated dialing code Nationwide for the purpose of community information and referral services. Based upon its reading of the FCC’s July 21, 2000 Order, the Commission stated that the FCC clearly stated that the entity requesting the use of the 2-1-1 abbreviated dialing code should make its request directly to the provider of telecommunications services in its service area. Accordingly, by an Order entered October 3, 2000, the Commission held that the United Way of Southeastern Pennsylvania’s Petition was moot and advised the United Way of Southeastern Pennsylvania to follow the procedure as set forth in the FCC Order and dismissed the petition.

In 2006, UWP and the Pennsylvania Association for Information & Referral (“PAIR”), which is the Pennsylvania affiliate of the AIRS, joined forces and established a taskforce called the Pennsylvania 2-1-1 Collaborative that was made up of representatives from across Pennsylvania. Finally, in 2009, PA 2-1-1 was formed as an independently incorporated Pennsylvania not-for-profit organization dedicated to providing all Pennsylvanians with access to non-emergency community information and referral services. Additionally, UWP has been in contact with the service providers regarding the 2-1-1 abbreviated dialing code. Accordingly, UWP has filed this instant petition requesting the assignment of the 2-1-1 dialing code to PA 2-1-1 as the leading implementing agency for 2-1-1 service in Pennsylvania. For these reasons, we believe that the petition is ripe for action.

#### Discussion

UWP and PAIR are seeking to establish a Statewide 2-1-1 system that will provide users with easy access to information about the full range of public and private community programs and services provided throughout Pennsylvania. In an effort to accomplish this task, UWP and PAIR, along with other interested parties established PA 2-1-1, an independently incorporated nonprofit organization that was created solely for the purposes of providing all Pennsylvanians with easy access to community information and referral services. As mentioned previously, UWP served its petition on the prominent telecommunications companies and notice of the Petition was also published in the *Pennsylvania Bulletin*. Over seventy comments were received by the Commission. While we acknowledge that all the comments did not unanimously take the position that PA 2-1-1 is the proper entity to implement 2-1-1 service within Pennsylvania, the comments were unanimous in their endorsement that 2-1-1 service is much-needed in Pennsylvania.

We note that there have been successful efforts across the United States to implement health and human services I&R telephone call centers accessed by “2-1-1” dialing codes. As of November 2008, 2-1-1 has served over 234 million Americans through 244 2-1-1 systems covering all or part of 48 states plus Washington, D.C. and Puerto Rico. Pennsylvania is one of the last remaining states to not have implemented a 2-1-1 system.

In those states where 2-1-1 service has been successfully implemented and ongoing, generally, a single I&R organization has emerged as the “developmental leader”

<sup>1</sup> *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Red 16753 (July 31, 2000).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Subsequent to the filing of this Petition, Bell Atlantic—Pennsylvania, Inc. changed its name to Verizon Pennsylvania, Inc.

for 2-1-1 implementation. This organization has partnered with other bodies in the interest of developing an inclusive group to provide solutions to the obstacles against development of a viable 2-1-1 system. We believe that the UWP has demonstrated that PA 2-1-1 will have the knowledge, skills and technical expertise to serve as the lead implementing agency for providing 2-1-1 service in Pennsylvania.

In its Petition, the UWP explains that PA 2-1-1 is governed by a 12–15 member Board of Directors (“Board”) responsible for the development, operation and oversight of the 2-1-1 abbreviated dialing code in Pennsylvania. Representatives of the PA 2-1-1 Board reflect the geographic diversity of the state and include representation from: UWP, PAIR, and representatives from *inter alia*, the business community, county government, Red Cross, Volunteer Centers, Community Action, and the like. The Board is responsible for establishing the policies and overseeing the use of the 2-1-1 designation, securing and equitably distributing the resources required to complement regional investment to ensure full implementation and sustenance of the proposed system and ensuring quality service by establishing and monitoring performance against standards for regional 2-1-1 centers.

Furthermore, as 2-1-1 service is implemented in Pennsylvania, the Board will be complemented by an Operating Council—composed of Regional 2-1-1 Center directors, organized and led by the state executive director—that will advise the executive director on the shared functions that will link the regional centers with one another and provide consistency of operations and uniform quality throughout the system. The Council will identify and resolve system-wide operational issues, define needs and priorities for capacity building within the system, and assist in the planning and implementation of Statewide marketing activities. The Council will also be responsible for building the 2-1-1 network locally so that it includes both specialized I&R agencies, the service providers themselves and other business and local organizations as active partners and funders.

The proposed 2-1-1 system will be accountable to the PA 2-1-1 Statewide organization but delivered locally by six or seven regional call centers. In its petition, the UWP stated that PA 2-1-1 has defined initial regions for the provision of 2-1-1 service. The regional call centers will be AIRS-certified and operate and answer calls 24 hours a day, 7 days a week, 365 days of the year. Additionally, the centers will form a network that can respond quickly to everyday calls from consumers as well as during times of emergency by distributing calls so that no one call center is overloaded. PA 2-1-1 is currently in the process of ensuring that each regional call center determines the best manner to make 2-1-1 service available to all residents within its region.

Additionally, PA 2-1-1 has designated a “lead convener” for each proposed region that will bring together other interested stakeholders and identify and collaborate with these interested stakeholders in a transparent, inclusive and participatory planning process. The benefit of this regional planning is that leaders within each region, with the assistance of PA 2-1-1, will be able to decide how to best provide 2-1-1 service in their region. For example, one region may decide to have a single regional center that will combine both direct response to consumers and development and maintenance of the resource database, while another region may decide to have a lead agency share responsibility with another agency, with one handling consumer response and the other the database.

Thus, each region will have the ability to choose what works best for them after extensive planning and discussion. However, each region, regardless of the model chosen to provide 2-1-1 service to its constituents, will be required to meet the same quality standards and expectations for service.

We find that UWP has shown good cause to grant its request that PA 2-1-1 be given the authority to administer the implementation of the 2-1-1 abbreviated dialing code on a statewide basis. PA 2-1-1 has developed a business plan for the creation and administration of an information system that will be one of the most complete, accurate and inclusive available today. PA 2-1-1 proposes a 2-1-1 system that will have the ability: (1) to respond to callers’ needs 24/7/365; (2) to respond quickly in a disaster situation; (3) to generate meaningful statistics on service availability and service gaps; (4) to provide for effective collaboration on behalf of clients; (5) to computerize the state and local community information databases; (6) to make available a directory of services in print or electronic format; (7) to refer to specialized information and referral agencies, as defined by the Alliance of Information and Referral Standards for Professional I&Rs; and (8) to make information in the database available by means of the Internet.

Based on the content of its Petition, we also note that PA 2-1-1 has investigated the most pertinent aspects of 2-1-1 implementation including organizational issues, system design models, management approaches, relationships between service providers, state bodies, telecommunications providers, technological issues and common obstacles faced by implementation groups and created workable solutions to address these issues.

As we stated previously, UWP served its petition on the prominent telephone companies because it felt that they would have a material interest in the petition since they likely would have to perform switch translations or other facilities work to implement 2-1-1 service as requested by UWP. We acknowledge, as mentioned previously, that the FCC’s ruling left the details of 2-1-1 implementation up to the requesting I&R parties and the relevant geographical telecommunications providers. There are no Federal requirements and no mandated way to pay for 2-1-1. This presents a challenge; however, we agree with the FCC that a three-digit number is easier to remember and would be particularly useful for travelers moving across local boundaries.

While it is no longer necessary to petition State utility regulators for reservation of the abbreviated 2-1-1 dialing code for I&R purposes, we acknowledge that the support of State utility commissions can be very helpful in implementation of 2-1-1 service. The involvement by commissions can facilitate arrangements between telephone service providers and I&R providers. However, we take note of the comments of both the PTA and Verizon. Both stated that they successfully worked with the Department of Transportation in its implementation of 5-1-1 and with the Pennsylvania One Call System, Inc. in its implementation of 8-1-1. No Commission staff was designated to assist in the negotiations and interaction between the telephone carriers and the administrators of 5-1-1 and 8-1-1.

With this understanding, we do not believe that it is necessary to designate any Commission staff persons to assist and coordinate on an ongoing basis any arrangements between any affected jurisdictional local exchange carriers and PA 2-1-1. We simply direct that all jurisdictional local exchange carriers expeditiously perform all



analyses required to quantify its costs for the necessary translations and/or facilities work if it plans to seek recovery of internal costs associated with enabling 2-1-1 call completion and estimate the time required to perform the necessary translations and/or facilities work to allow 2-1-1 call completion from its subscribers.

We believe that the provision of N11 service is relatively straight-forward. As has been noted by the PTA in its comments, in the previous instances of the implementation of 5-1-1 and 8-1-1 abbreviated dialing in Pennsylvania, the PTA companies simply submitted their cost estimates for the work associated with the translations. However, we are sure that there are technical issues that might have to be resolved between PA 2-1-1 and the telephone companies; therefore, we will not direct any technical specifications or protocols at this time. Rather, we encourage PA 2-1-1 to provide detailed information regarding its network and feature requirements so that the telephone companies can provide PA 2-1-1 with specific proposals.

UWP states that PA 2-1-1 anticipates that at least two regions will be ready to operate by February 2010. With this time frame, we will direct PA 2-1-1 to provide access expeditiously to a copy of its implementation plan for 2-1-1 in order to assist jurisdictional local exchange carriers in compiling the information necessary so that the 2-1-1 system can be implemented and established Statewide in a prompt manner in this Commonwealth. We also recognize that wireless callers and other alternate service providers will provide access to 2-1-1. Therefore, we encourage wireless carriers and other alternate service providers to coordinate and work with PA 2-1-1 in an expeditious manner as well regarding any implementation issues.

In conclusion, we find that the referral to community information and referral services by means of 2-1-1 will benefit the citizens of this Commonwealth by providing a simple, universal, easy-to-remember number to access this oftentimes critical information. Moreover, no party opposes the assignment of 2-1-1 to PA 2-1-1.; *Therefore,*

*It is Ordered That:*

1. The Petition of the United Way of Pennsylvania that PA 2-1-1 be Designated as the Leading Implementing Agency of the 2-1-1 Abbreviated Dialing Code for the Provision of Information and Referral Services in Pennsylvania is hereby granted in part and denied in part.

2. Within 20 days of the entry date of this Order, all jurisdictional local exchange carriers, if they have not done so already, shall immediately discontinue using the 2-1-1 abbreviated dialing code for purposes other than access to community information and referral services.

3. Within 30 days of the entry date of this Order, PA 2-1-1 shall provide all jurisdictional local exchange carriers with access to a copy of its implementation plan for 2-1-1 dialing.

4. Within 45 days of the entry date of this Order, all jurisdictional local exchange carriers that possess switches that would have to undergo re-programming shall perform all analyses required to quantify its costs for the necessary translations and/or facilities work if it plans to seek recovery of internal costs associated with 2-1-1 call completion and estimate the time required to perform the necessary translations and/or facilities work to allow 2-1-1 call completion from its subscribers and shall forward that information to PA 2-1-1.

5. All affected jurisdictional local exchange carriers shall comply with the implementation schedule estab-

lished herein unless a petition for waiver is filed with the Commission pursuant to 52 Pa. Code § 5.41.

6. A copy of this Order shall be served on all jurisdictional local exchange carriers and the Pennsylvania Telephone Association.

7. A copy of this Order shall be published in the *Pennsylvania Bulletin*.

8. The Secretary's Bureau mark this matter closed.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-423. Filed for public inspection March 5, 2010, 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 March 22, 2010. 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-2010-2158661. Checker Cab Co. of Steubenville, Inc., t/a Checker Transportation** (1439 Sunset Boulevard, Steubenville, OH 43952), a foreign corporation registered in the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service from Pittsburgh International Airport to points in Pennsylvania.

**A-2010-2159261. Checker Cab Co. of Steubenville, Inc., t/a Checker Transportation** (1439 Sunset Boulevard, Steubenville, OH 43952), a foreign corporation registered in the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service between points in the Counties of Allegheny, Beaver and Washington.

**A-2010-2159585. Saferide Transportation Services, LLC** (216 Ian Drive, Shavertown, Luzerne County, PA 18708)—a limited liability corporation of the Commonwealth—in paratransit service, to or from medical or nursing home facilities, from points in Lackawanna and Luzerne Counties, to points in Pennsylvania, and return.

**A-2010-2159587. Bella Transportation LLC, t/a Bella Luxury Limousine** (P. O. Box 1805, Allentown, PA 18105)—for the right to begin, as a common carrier, persons in limousine service, between points in the Counties of Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton and Schuylkill to points in Pennsylvania and return, excluding service under the jurisdiction of the Philadelphia Parking Authority.

**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-2010-2159361. T.H.J.R. Travel, Inc., d/b/a World Wide Travel** (143 Hartman Road, Greensburg, PA 15601), a corporation of the Commonwealth—for the discontinuance of service and cancellation of its certificate to operate as a broker, to arrange for transportation of persons and their baggage, between points in Pennsylvania.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Torgro, Inc.;*  
*Doc. No. C-2010-2135953; A-00123707*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Torgro, Inc., respondent, maintains its principal place of business at 70 Jansen Avenue, Suite 201, Essington, PA 19029.

2. That respondent was issued a certificate of public convenience by this Commission on May 11, 2007, at Application Docket No. A-00123707.

3. That on July 17, 2009, a Compliance Review was performed on respondent by Enforcement Officer Supervisor Alexander Zinczenko, a duly authorized officer of this Commission. The information contained in the complaint was obtained during the review.

4. That respondent failed to keep a maintenance record, which identifies the vehicle, including make, serial number, year, and tire size on its 2008 Ford bus, bearing Pennsylvania License No. BA62285, Vehicle Identification No. 3FRNF65C48V575640.

5. That Respondent, by failing to maintain minimum records of inspection and maintenance, as stated in paragraph 4 above, violated 49 CFR 396.3(b). The penalty is \$500.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Torgro, Inc. the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau

of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty.

C. You may elect not to contest this Complaint by paying the fine imposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violations and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an answer which admits or fails to deny the allegation of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Peter Equere, t/a Peace Taxi  
Co.; Doc. No. C-2010-2113872; A-00124186*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has del-

egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Peter Equere, t/a Peace Taxi Co., respondent, maintains his principal place of business at 540 Prospect Street, York, PA 17403.

2. That respondent was issued a certificate of public convenience by this Commission on May 12, 2008, at Application Docket No. A-00124186, for call or demand authority.

3. That respondent, on May 20, 2009, at approximately 9:00 a.m., at Route 74, West Manchester Township, York County, PA, presented a certain 2004 Chevrolet taxicab bearing Pennsylvania License No. TX46327, Vehicle Identification No. 1GNDX03E24D219763, to be inspected.

4. That the vehicle described in Paragraph 3 of this complaint was inspected by Enforcement Officer John Bumsted, a duly authorized officer of this Commission, on the date and at the time specified in Paragraph 3, and the following violations were disclosed:

a. Dome light not visible at a distance of 100 feet—light bulb not operable.

b. Carrier failed to post rates of fare in taxi.

5. That respondent, on May 20, 2009, at approximately 10:10 a.m., at Route 74, West Manchester Township, York County, PA, presented a certain 2005 Dodge taxicab bearing Pennsylvania License No. TX46628, Vehicle Identification No. 2D4GP44L25R123188, to be inspected.

6. That the vehicle described in Paragraph 5 of this complaint was inspected by Enforcement Officer John Bumsted, a duly authorized officer of this Commission, on the date and at the time specified in Paragraph 5, and the following violation was disclosed:

a. Fast meter.

7. That respondent, by permitting its vehicle to be operated that failed to have an operable dome light affixed to the roof of the vehicle, violated 52 Pa. Code § 29.314(e). The penalty is \$100.00.

8. That respondent, by failing to post rates of fare in a conspicuous place in the vehicle, violated 52 Pa. Code § 29.316(b) and/or (c). The penalty is \$50.00.

9. That respondent, by failing to have the meter regulated in accordance with the current tariff rates on file with this Commission, violated 52 Pa. Code § 29.314(b)(6). The penalty is \$500.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Peter Equere, t/a Peace Taxi, Co., the sum of six hundred fifty dollars (\$650.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, and forwarded to James J. McNulty, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Main Line Limousine, Inc.,  
t/a Elegante Limousine Service; A-00108501;  
C-2009-2108020*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are



prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Main Line Limousine, Inc., t/a Elegant Limousine Service, respondent, maintains its principal place of business at 41 Claremont Boulevard, Havertown, PA 19083.

2. That respondent was issued a certificate of public convenience by this Commission, for Limousine service, on October 11, 1989, at Application Docket No. A-00108501.

3. That on April 15, 2009, and April 24, 2009, an annual fleet inspection was performed on respondent by Enforcement Officers William Lark and Freda Culver, duly authorized officers of this Commission. The information contained in this complaint was obtained during said inspection.

4. That respondent, on April 24, 2009, at approximately 9:00 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1962 Bentley, bearing License No. LM21909, Vehicle Identification No. B6LDW, for inspection.

5. That the vehicle described in Paragraph 4 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 4 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

6. That respondent, on April 24, 2009, at approximately 9:30 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1956 Bentley, bearing License No. LM21910, Vehicle Identification No. B339DE, for inspection.

7. That the vehicle described in Paragraph 6 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 6 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

8. That respondent, on April 24, 2009, at approximately 9:55 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1953 Bentley, bearing License No. LM21087, Vehicle Identification No. B3105R, for inspection.

9. That the vehicle described in Paragraph 8 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 8 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

10. That respondent, on April 24, 2009, at approximately 10:20 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1951 Bentley, bearing License No. LM207850, Vehicle Identification No. B284LJ, for inspection.

11. That the vehicle described in Paragraph 10 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 10 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

12. That respondent, by operating vehicles older than eight model years without an official approval form for exemption onboard, violated 52 Pa. Code § 29.333(e). The penalty is \$250.00 per violation for a total fine of \$1,000.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Main Line Limousine, Inc., t/a Elegant Limousine Service, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission Bureau of  
Transportation and Safety v. Joseph R Tunstall;  
t/a J. R. Tunstall Trucking;  
Doc. No. C-2010-2052513; A-00119400*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Joseph R. Tunstall, t/a J. R. Tunstall Trucking, respondent, maintains his principal place of business at 2002 Penn Avenue, Holsopple, PA 15935.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 3, 2006, at Application Docket No. A-00119400.

3. That during the period of July 2008 through June 2009, Enforcement Officers Brian Mehan and Brian McGowan, duly authorized officers of this Commission, performed a safety audit at the respondent's facility and the following violations were noted:

a) Carrier failed to ensure that the driver vehicle inspection reports contained the certification of repairs or that correction was unnecessary for truck #19 on June 9, 2008.

b) Carrier failed to ensure that the driver vehicle inspection reports contained the certification of repairs or that correction was unnecessary for truck #17 on July 15, 2008.

c) Carrier failed to conduct alcohol and controlled substance testing in accordance with 49 CFR Part 40. A drug and alcohol previous employer inquiry was not completed for driver Michael Sullivan before performing a safety sensitive function on December 6, 2007.

d) Carrier used driver Michael Sullivan for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

e) Carrier used driver Thomas D. Lucas for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

f) Carrier used driver David B. Brusha for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

g) Carrier used driver Scott H. Coughenour for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

h) Carrier used driver Roger E. Lafferty for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

i) Carrier failed to maintain a completed driver qualification file on driver Michael L. Sullivan on December 6, 2007, containing each of the items required by 49 CFR 391.51 for the specified period of time.

j) Carrier failed to maintain a "Driver Investigation History File" on each new or prospective driver, missing for driver Michael Sullivan on December 6, 2007.

k) Carrier failed to maintain a medical examiners certificate in the driver qualification file for driver Roger E. Lafferty on July 15, 2008.

l) Carrier failed to maintain minimum records of inspection and maintenance for truck #20 on December 6, 2008.

m) Carrier failed to require driver Michael L. Sullivan, make a record of duty status, for each 24 hour period.

n) Carrier failed to require driver Thomas D. Lucas, make a record of duty status, for each 24 hour period.

o) Carrier failed to require driver David B. Brusha, make a record of duty status, for each 24 hour period.

p) Carrier failed to require driver Roger E. Lafferty, make a record of duty status, for each 24 hour period.

q) Carrier failed to maintain verified positive controlled substance test results for five years, for driver Walker on November 5, 2007.

r) Carrier failed to maintain educational materials, for blood alcohol technicians, supervisors and drivers for an indefinite period of time, for Michael L. Sullivan on December 6, 2007.

s) Carrier failed to provide educational materials required by 49 CFR 382.601 for Michael L. Sullivan on December 6, 2007.

t) Carrier failed to maintain an accident register for three years following an accident, as outlined in 49 CFR 390.15 for Michael L. Sullivan on December 6, 2007.

u) Carrier failed to retain copies of roadside inspection reports for the previous 12 months, PA report #PAS274001108, on December 7, 2007.

v) Carrier failed to maintain a completed driver qualification file, July 28, 2008 Pennsylvania Department of Transportation record missing, for Roger E. Lafferty, hired June 13, 2008, trip date July 15, 2008.

4. That respondent, by failing to ensure that the driver vehicle inspection reports contained the certification of repairs or that correction was unnecessary, violated 49 CFR 396.11(c)(1). The penalty is \$1,000.00 per violation for a total penalty of \$2,000.00.

5. That respondent, by failing to conduct alcohol and controlled substance testing in accordance with 49 CFR Part 40, violated 49 CFR 382.105 The penalty is \$500.00.

6. That respondent, by failing to require its drivers to undergo a pre-employment controlled substance test prior to the driver operating a motor vehicle, violated 52

Pa. Code § 37.204(1) and 49 CFR 382.301(a). The penalty is \$500.00 per driver for a total penalty of \$2,500.00.

7. That respondent, by failing to maintain a completed driver qualification file on each driver employed, containing each of the items required by 49 CFR 391.51 for the specified period of time, violated 49 CFR 391.51(a). The penalty is \$500.00.

8. That respondent, by failing to maintain a "Driver Investigation History File" on each new or prospective driver, violated 49 CFR 391.53(b). The penalty is \$500.00.

9. That respondent, by failing to maintain a medical examiners certificate in the driver qualification file, violated 49 CFR 391.51(b)(7). The penalty is \$500.00.

10. That respondent, by failing to maintain minimum records of inspection and maintenance for its vehicle, violated 49 CFR 396.3(b). The penalty is \$500.00.

11. That respondent, by failing to require its drivers to make a record of duty status, for each 24 hour period, violated 49 CFR 395.8(a). The penalty is \$550.00 for four violations.

12. That respondent, by failing to maintain verified positive controlled substance test results for 5 years, violated 49 CFR 382.401(b)(1)(ii).

13. That respondent, by failing to maintain educational materials, for blood alcohol technicians, supervisors and drivers for an indefinite period of time, violated 49 CFR 382.401(b)(4).

14. That respondent, by failing provide educational materials required by 49 CFR 382.601, violated 49 CFR 382.601(a).

15. That respondent, by failing to maintain an accident register for three years following an accident, as outlined in 49 CFR 390.15, violated 49 CFR 390.15(b)(1).

16. That respondent, by failing to retain copies of roadside inspection reports for the previous 12 months, violated 49 CFR 396.9(d)(3)(ii).

17. That respondent, by failing to maintain a completed driver qualification file, violated 49 CFR 391.51(b).

18. The penalty for violations in paragraphs 12 through 17 is \$400.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Joseph R. Tunstall, t/a J. R. Tunstall Trucking, the sum of seven thousand, nine hundred and fifty dollars (\$7,950.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements

herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

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James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty.

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Golden Taxi, LLC  
Doc. No: C-2010-2126558; A-6310376

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section



701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Golden Taxi, LLC, respondent, maintains its principal place of business at 207 South Allegheny Street, Suite 6, Bellefonte, PA 16823.

2. That respondent was issued a certificate of public convenience by this Commission on March 6, 2009, at Application Docket No. A-6310376.

3. That on August 14, 2009, Enforcement Officer Robert E. Crawford observed a Golden Taxi taxicab which was placed out of service previously due to vehicle age at the Sheetz on North Atherton Street, State College, PA. The vehicle was identified as a 1997 Dodge Caravan, PA License No. TX46733. Supervisor Kimberly Johnston and Officer Crawford stopped the vehicle in the Highway Pizza Parking lot and interviewed the driver. The driver stated that he had been operating the 1997 Dodge Caravan since he began driving for respondent two days prior.

4. That respondent, by utilizing a vehicle older than eight model years old, without having previously obtained a vehicle age waiver from this Commission, violated 52 Pa. Code § 29.314(d). The penalty is \$500.00 due to a previous complaint at Docket No. C-2009-2126552, for over-aged vehicle for the same taxicab.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Golden Taxi, LLC the sum of five hundred dollars (\$500.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

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ments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, and forwarded to James J. McNulty, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 10-424. Filed for public inspection March 5, 2010, 9:00 a.m.]

**Telecommunications**

**A-2010-2159718. Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone.** Joint petition of Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone, by its counsel, filed on February 11, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-425. Filed for public inspection March 5, 2010, 9:00 a.m.]

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### Telecommunications

**A-2010-2159808. Verizon North and Metropolitan Telecommunications Corporation of PA.** Joint petition of Verizon North and Metropolitan Telecommunications Corporation of PA for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North and Metropolitan Telecommunications Corporation of PA, by its counsel, filed on February 18, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North and Metropolitan Telecommunications Corporation of PA joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-426. Filed for public inspection March 5, 2010, 9:00 a.m.]

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### Telecommunications

**A-2010-2159741. Verizon PA, Inc. and Metropolitan Telecommunications Corporation of PA, Inc., d/b/a MetTel.** Joint petition of Verizon PA, Inc. and Metropolitan Telecommunications Corporation of PA, Inc., d/b/a MetTel for approval of amendment No. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon PA, Inc. and Metropolitan Telecommunications Corporation of PA, Inc., d/b/a MetTel, by its counsel, filed on February 18, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 4 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon PA, Inc. and Metropolitan Telecommunications

Corporation of PA, Inc., d/b/a MetTel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-427. Filed for public inspection March 5, 2010, 9:00 a.m.]

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### Telecommunications

**A-2010-2159804. Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone.** Joint petition of Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone, by its counsel, filed on February 11, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-428. Filed for public inspection March 5, 2010, 9:00 a.m.]

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### Water Service

**A-2010-2160209. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval to begin to offer, render, furnish or supply water service to the public in a portion of Summit and Jefferson Townships, Butler County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 22, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-429. Filed for public inspection March 5, 2010, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting in the Finance Building, Room 307, Harrisburg, PA on March 25, 2010, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the Regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 10-430. Filed for public inspection March 5, 2010, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 8:30 a.m. on March 18, 2010, in Toftrees Golf Resort and Conference Center, One Country Club Lane, State College, PA 16803. At the public hearing, the Commission will consider: 1) action on certain water resources projects; 2) action on one project involving a diversion; 3) compliance matters involving three projects; and 4) the rescission of a previous docket approval. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net.

### Supplementary Information

In addition to the public hearing and its related action items identified, the business meeting also includes actions or presentations on the following items: 1) a presentation by the Department of Conservation and Natural Resources Deputy Secretary James Grace on natural gas exploration on state forest and park lands; 2) a presentation on hydrologic conditions of the basin with emphasis on National Flood Safety Week; 3) an update on the recently authorized SRBC Remote Water Quality Monitoring Network; 4) ratification/approval of grants/contracts; and 5) revision of the Fiscal Year 2011 budget. The Commission will also hear a Legal Counsel's report.

### Public Hearing—Compliance Matters:

1. Project Sponsor: Chesapeake Energy Corporation—Eastern Division. Pad ID: Ward (ABR-20090519), Burlington Township, and Sullivan 1 (ABR-20080715), Athens Township, Bradford County, PA.

2. Project Sponsor: Novus Operating, LLC. Pad ID: Sylvester 1H and North Fork 1H, Brookfield Township, Tioga County, PA.

3. Project Sponsor: Southwestern Energy Production Company. Pad ID: Ferguson, Wyalusing Township, Bradford County, PA.

### Public Hearing—Projects Scheduled for Action:

1. Project Sponsor and Facility: Carrizo Oil & Gas, Inc. (Mosquito Creek—Hoffman), Karthaus Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.720 mgd.

2. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for groundwater withdrawal of 0.190 mgd (30-day average) from two wells and three collection sumps.

3. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for consumptive water use of up to 0.075 mgd.

4. Project Sponsor and Facility: EQT Production Company (West Branch Susquehanna River—Kuntz), Greenwood Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.900 mgd.

5. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (West Branch Susquehanna River—Johnson), Clinton Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.999 mgd.

6. Project Sponsor and Facility: Fortuna Energy, Inc. (Fall Brook—Bense), Troy Township, Bradford County, PA. Application for surface water withdrawal of up to 1.000 mgd.

7. Project Sponsor and Facility: Fortuna Energy, Inc. (Unnamed Tributary to North Branch Sugar Creek—Besley), Columbia Township, Bradford County, PA. Application for surface water withdrawal of up to 2.000 mgd.

8. Project Sponsor and Facility: Fortuna Energy, Inc. (South Branch Sugar Creek—Shedden), Troy Township, Bradford County, PA. Application for surface water withdrawal of up to 0.900 mgd.

9. Project Sponsor and Facility: Fortuna Energy, Inc. (Sugar Creek—Hoffman), West Burlington Township, Bradford County, PA. Modification to increase the surface water withdrawal from 0.250 mgd up to 2.000 mgd (Docket No. 20090327).



10. Project Sponsor: Graymont (PA), Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Application for groundwater withdrawal of 0.099 mgd (30-day average) from the Plant Make-up Well.

11. Project Sponsor and Facility: Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, York County, PA. Modification to add a groundwater withdrawal of 0.144 mgd (30-day average) from Well CW-20 to the remediation system, without any increase to total system withdrawal quantity (Docket No. 19980901).

12. Project Sponsor and Facility: Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, York County, PA. Modification to project features of the withdrawal approval (Docket No. 19900715).

13. Project Sponsor and Facility: Healthy Properties, Inc. (Sugar Creek—owner), North Towanda Township, Bradford County, PA. Application for surface water withdrawal of up to 0.450 mgd.

14. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek—Deer Park Lumber, Inc.), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd.

15. Project Sponsor and Facility: Randy M. Wiernusz (Bowman Creek—owner), Eaton Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.249 mgd.

16. Project Sponsor and Facility: Sunnyside Ethanol, LLC (West Branch Susquehanna River—1—owner), Curwensville Borough, Clearfield County, PA. Application for surface water withdrawal of up to 1.270 mgd.

17. Project Sponsor and Facility: Sunnyside Ethanol, LLC (West Branch Susquehanna River—2—owner), Curwensville Borough, Clearfield County, PA. Application for surface water withdrawal of up to 0.710 mgd.

18. Project Sponsor and Facility: Sunnyside Ethanol, LLC, Curwensville Borough, Clearfield County, PA. Application for consumptive water use of up to 1.980 mgd.

19. Project Sponsor and Facility: TerraAqua Resource Management (Tioga River—Larson Design Group), Lawrenceville Borough, Tioga County, PA. Application for surface water withdrawal of up to 0.543 mgd.

20. Project Sponsor and Facility: TerraAqua Resource Management, Lawrenceville Borough, Tioga County, PA. Application for consumptive water use of up to 0.543 mgd.

21. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA.

Modification to increase the total groundwater system withdrawal limit (30-day average) from 0.523 mgd to 0.962 mgd (Docket No. 20070905).

22. Project Sponsor and Facility: XTO Energy, Inc. (Lick Run—Dincher), Shrewsbury Borough, Lycoming County, PA. Application for surface water withdrawal of up to 0.249 mgd.

23. Project Sponsor and Facility: XTO Energy, Inc. (Little Muncy Creek—Temple), Moreland Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.249 mgd.

*Public Hearing—Project Scheduled for Action Involving a Diversion:*

1. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for an existing into-basin diversion of up to 0.050 mgd from the Delaware River Basin.

*Public Hearing-Project Scheduled for Rescission Action:*

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080907), Oakland Township, Susquehanna County, PA.

*Opportunity to Appear and Comment:*

Interested parties may appear at the previously-listed hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, srichardson@srbc.net. Comments mailed or electronically submitted must be received prior to March 12, 2010, to be considered.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: February 16, 2010.

THOMAS W. BEAUDUY,  
*Deputy Director*

[Pa.B. Doc. No. 10-431. Filed for public inspection March 5, 2010, 9:00 a.m.]

