

# PENNSYLVANIA BULLETIN

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## Agencies in this issue

The Courts  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Executive Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Osteopathic Medicine  
State Conservation Commission  
State Real Estate Commission

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2010.

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## 25 Pa. Code (Environmental Protection)

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 702, 838, 840, 969, 1079, 1080, 1147, 1403



# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CHS. 200 AND 1000 ]

**In Re: Amendment of Rules 205.4 and 1007 and Adoption of Rule 205.5 of the Rules of Civil Procedure; No. 521; Civil Procedural Rules**

#### Order

*Per Curiam:*

*And Now*, this 25th day of February, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication as the amendments are required in the interest of efficient administration, pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P. Nos. 205.4 and 1007 are amended and Pa.R.C.P. No. 205.5 is adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the changes adopted herein shall be effective in ninety days.

PATRICIA NICOLA,  
*Chief Clerk*  
*Supreme Court of Pennsylvania*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 205.4. Electronic Filing and Service of Legal Papers.

\* \* \* \* \*

**(h) A judicial district which implements an electronic filing system pursuant to this rule is exempt from the requirements of Rule 205.5 governing cover sheets, provided the electronic filing system has the capability of gathering and transmitting to the Administrative Office of Pennsylvania Courts all the information required by Rule 205.5(e).**

#### Rule 205.5. Cover Sheet.

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

(i) actions pursuant to the Protection from Abuse Act, Rules 1901 *et seq.*

(ii) actions for support, Rules 1910.1 *et seq.*

(iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 *et seq.*

(iv) actions for divorce or annulment of marriage, Rules 1920.1 *et seq.*

(v) actions in domestic relations generally, including paternity actions, Rules 1930.1 *et seq.*

(vi) voluntary mediation in custody actions, Rules 1940.1 *et seq.*

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

**Official Note:** When a defendant in an action before a magisterial district court appeals the decision to the court of common pleas, the plaintiff in the action before the magisterial district court shall complete the cover sheet when filing the complaint with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

**Official Note:** Pa.R.C.P. No. 205.4 provides for electronic filing and service of legal papers. Rule 205.4(h) permits a judicial district which has implemented an electronic filing system to be exempt from the requirements of this rule provided that the information to be gathered by the cover sheet can be captured and transmitted to the Administrative Office of Pennsylvania Courts by the electronic filing system.

Pa.R.C.P. No. 239.9 provides for the promulgation of a local rule, numbered Local Rule 205.4, governing procedures for electronic filing specific to a judicial district.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the web site of the Administrative Office of Pennsylvania Courts at [www.pacourts.us](http://www.pacourts.us).

**Official Note:** Cover sheets developed by a judicial district may be used in addition to the cover sheet required by this rule. See Rule 239.1, which requires a court that uses local cover sheets to promulgate a local rule, numbered Local Rule 205.2(b), setting forth the form of cover sheet, and Rule 239.8 for the requirements for adopting Local Rule 205.2(b).

#### CHAPTER 1000. ACTIONS

#### Subchapter A. CIVIL ACTION

#### VENUE AND PROCESS

#### Rule 1007. Commencement of Action.

An action may be commenced by filing with the prothonotary

(1) a praecipe for a writ of summons, **or**

(2) a complaint.

**Official Note:** For the form of the writ of summons, see Rule 1351, *infra*.

See Rule 205.5 governing the requirement for filing a cover sheet with the pleading commencing the action.

[Pa.B. Doc. No. 10-434. Filed for public inspection March 12, 2010, 9:00 a.m.]

# Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 1 ]

In Re: Amendment of Rule of Criminal Procedure 122; No. 388; Criminal Procedural Rules

## Order

*Per Curiam:*

And Now, this 26th day of February, 2010, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment to Rule 122 of the Pennsylvania Rules of Criminal Procedure is revised as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2010.

PATRICIA NICOLA,  
Chief Clerk  
Supreme Court of Pennsylvania

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

##### PART B. Counsel

##### Rule 122. Appointment of Counsel.

\* \* \* \* \*

##### Comment

\* \* \* \* \*

In court cases, paragraph (A)(2) requires counsel to be appointed at least in time to represent the defendant at the preliminary hearing. Although difficulty may be experienced in some judicial districts in meeting the Coleman requirement, it is believed that this is somewhat offset by the prevention of many post-conviction proceedings that would otherwise be brought based on the denial of the right to counsel. However, there may be cases in which counsel has not been appointed prior to the preliminary hearing stage of the proceedings[ ; ] , e.g., counsel for the preliminary hearing has been waived, or a then-ineligible defendant subsequently becomes eligible for appointed counsel. In such cases it is expected that the defendant's right to appointed counsel will be effectuated at the earliest appropriate time.

An attorney may not be appointed to represent a defendant in a capital case unless the attorney meets the educational and experiential requirements set forth in Rule 801 (Qualifications for Defense Counsel in Capital Cases).

Paragraph (A)(3) retains in the issuing authority or judge the power to appoint counsel regardless of indigency or other factors when, in the issuing authority's or the judge's opinion, the interests of justice require it.

Pursuant to paragraph (B)(2), counsel retains his or her appointment until final judgment, which includes all avenues of appeal through the Supreme Court of Pennsylvania. In making the decision whether to file a petition for allowance of appeal, counsel must (1) consult with his or her client, and (2) review the standards set forth in Pa.R.A.P. 1114 (Considerations Governing Allowance of Appeal) and the note following that rule. If the decision is made to file a petition, counsel must carry through with that decision. See *Commonwealth v. Liebel*, 573 Pa. 375, 825 A.2d 630 ([ Pa. ] 2003). Concerning counsel's obligations as appointed counsel, see *Jones v. Barnes*, 463 U.S. 745 (1983). See also *Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. 2001).

See *Commonwealth v. Alberta*, 601 Pa. 473, 974 A.2d 1158 (2009), in which the Court stated that “[ a ]ppointed counsel who has complied with *Anders* [ *v. California*, 386 U.S. 738 (1967), ] and is permitted to withdraw discharges the direct appeal obligations of counsel. Once counsel is granted leave to withdraw per *Anders*, a necessary consequence of that decision is that the right to appointed counsel is at an end.”

For suspension of Acts of Assembly, see Rule 1101.

**Official Note:** Rule 318 adopted November 29, 1972, effective 10 days hence, replacing prior rule; amended September 18, 1973, effective immediately; renumbered Rule 316 and amended June 29, 1977, and October 21, 1977, effective January 1, 1978; renumbered Rule 122 and amended March 1, 2000, effective April 1, 2001; amended March 12, 2004, effective July 1, 2004; *Comment* revised March 26, 2004, effective July 1, 2004; *Comment* revised June 4, 2004, effective November 1, 2004; amended April 28, 2005, effective August 1, 2005; **Comment revised February 26, 2010, effective April 1, 2010.**

#### *Committee Explanatory Reports*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477, 1478 (March 18, 2000).

Final Report explaining the March 12, 2004 editorial amendment to paragraph (C)(3), and the *Comment* revision concerning duration of counsel's obligation, published with the Court's Order at 34 Pa.B. 1671, 1672 (March 27, 2004).

Final Report explaining the March 26, 2004 *Comment* revision concerning *Alabama v. Shelton* published with the Court's Order at 34 Pa.B. 1929, 1931 (April 10, 2004).

Final Report explaining the April 28, 2005 changes concerning the contents of the appointment order published with the Court's Order at 35 Pa.B. 2855, 2859 (May 14, 2005).

**Final Report explaining the February 26, 2010 revision of the Comment adding a citation to *Commonwealth v. Alberta* published at 40 Pa.B. 1396, 1397 (March 13, 2010).**

**FINAL REPORT<sup>1</sup>**

*Revision of the Comment to Pa.R.Crim.P. 122*

**WITHDRAWAL OF COUNSEL:  
COMMONWEALTH v. ALBERTA**

On February 26, 2010, effective April 1, 2010, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the *Comment* to Rule of Criminal Procedure 122 (Assignment of Counsel) to add a citation to *Commonwealth v. Alberta*, 601 Pa. 473, 974 A.2d 1158 (2009).

The Committee under took a review of *Commonwealth v. Alberta*, *supra*, at the request of the Court. The Court asked the Committee to consider “amending Rule 122 to clarify that during the course of a direct appeal, once counsel has been permitted to withdraw pursuant to *Anders*, a defendant is not entitled to the appointment of subsequent counsel.”

The Committee discussed two approaches—amending the text of Rule 122 or revising the Rule 122 *Comment*. The Committee was concerned that an amendment to the text of the rule adding procedures related to withdrawal of counsel pursuant to *Anders* could lead to confusion about the extent of the application of *Alberta* to post-conviction collateral and appellate proceedings. Ultimately, the Committee concluded the best approach would be to add a citation to *Alberta* to the Rule 122 *Comment*. Accordingly, the Rule 122 *Comment* has been revised by adding the citation to *Alberta* and a quotation from the holding explaining that “appointed counsel who has complied with *Anders* and is permitted to withdraw discharges the direct appeal obligations of counsel. Once counsel is granted leave to withdraw per *Anders*, a necessary consequence of that decision is that the right to appointed counsel is at an end.” The new *Comment* provision also includes a citation to *Anders v. California*, 386 U.S. 738 (1967) because *Anders* is not cited anywhere else in Rule 122.

[Pa.B. Doc. No. 10-435. Filed for public inspection March 12, 2010, 9:00 a.m.]

**[ 234 PA. CODE CHS. 2 AND 5 ]**

**In Re: Amendment of Rules of Criminal Procedure 202 and 507; No. 387; Criminal Procedural Rules**

**Order**

*Per Curiam:*

*And Now*, this 26th day of February, 2010, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration and a Final Report to be published with this *Order*:

<sup>1</sup> The Committee’s *Final Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee’s *Comments* or the contents of the Committee’s explanatory *Final Reports*.

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment to Rule of Criminal Procedure 507 and the revisions of the *Comments* to Rules of Criminal Procedure 202 and 507 are approved as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2010.

JOHN A. VASKOV,  
*Deputy Prothonotary*

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE**

**CHAPTER 2. INVESTIGATIONS**

**PART A. Search Warrant**

**Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option.**

\* \* \* \* \*

**Comment**

For reasons set forth in the *Comment* to Rule 507, this rule authorizes the adoption and withdrawal of the prior approval requirement on a local option basis.

Other principles and comments concerning this rule, including the intended meaning of “attorney for the Commonwealth,” **and the use of advanced communication technology or other electronic methods to convey the approval of the search warrant application**, are set forth in the Rule 507 *Comment*.

**Official Note:** Rule 2002A adopted December 11, 1981, effective July 1, 1982; amended August 9, 1994, effective January 1, 1995; renumbered Rule 202 and amended March 1, 2000, effective April 1, 2001; **Comment revised February 26, 2010, effective April 1, 2010.**

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6, 18 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4325, 4342 (August 27, 1994).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1477, 1478 (March 18, 2000).

**Final Report explaining the February 26, 2010 Comment revision regarding electronic approval published with the Court’s Order at 40 Pa.B. 1397, 1398, (March 13, 2010).**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART B(1). Complaint Procedures**

**Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option.**

\* \* \* \* \*

(C) If an attorney for the Commonwealth disapproves a police complaint, arrest warrant affidavit, or both, the attorney shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the attorney shall maintain a record of the written notice.

D.A. File Number \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA
COUNTY

NOTICE AND RECORD OF DISAPPROVAL

Commonwealth of Pennsylvania vs. Complaint/Affidavit/ Application of:

vs.

Charge: Police Number: Police Department: Occurrence Date: Time: Location:

SUMMARY OF FACTS AND PROBABLE CAUSE

[ PCIC ] CLEAN/NCIC check reveals no outstanding warrants.

Date: Source of Information:

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- IC= Insufficient Corroboration, IE= Insufficient Evidence, II= Identification Inconclusive, IJ= Interest of Justice, IS= Inadmissible Evidence, IP= Insufficient Probable Cause, LP= Lacks Prosecutorial Merit, UW= Unavailable or Uncooperative Witness, LJ= Lacks Jurisdiction, UV= Unavailable or Uncooperative Victim, WC= Witness Credibility/Contradicted, ID= Inadequate Description of Persons, Premises, or Property, NS= Insufficient Cause for Nighttime Search

Other:

DISAPPROVED BY: ATTORNEY FOR COMMONWEALTH DATE:

(D) No defendant shall have the right to relief based solely upon a violation of this rule.

Comment

This rule gives the district attorney of each county the option of requiring that criminal complaints and/or arrest warrant affidavits filed in that county by police officers, as defined in Rule 103, shall have the prior approval of an attorney for the Commonwealth. Under the rule, the district attorney may elect to require prior approval of police complaints, or arrest warrant affidavits (see Rule 513), or both. In addition, the district attorney is given the authority to define which offenses or grades of offenses will require such prior approval. For example, the district attorney may specify that prior approval will be required only if a felony is charged, or that prior approval will be required for all cases [ ; ], i.e., whenever a misdemeanor or felony is charged.

\* \* \* \* \*

As used in this rule, "attorney for the Commonwealth" is intended to include not only the district attorney and any deputy or assistant district attorney in the county, but also the Attorney General, and any deputy or assistant attorney general, in those cases which the Attorney General is authorized by law to prosecute in the county.

Nothing in this rule is intended to preclude the use of advanced communication technology or other electronic methods to convey the approval of the complaint or affidavit by the attorney for the Commonwealth to the police officer acting as affiant.

See Rule 202 for a similar option as to search warrant applications.

See Rule 544 for the procedures requiring the written approval of the attorney for the Commonwealth for the refiling of a complaint.

Official Note: Rule 101A adopted December 11, 1981, effective July 1, 1982; Comment revised July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 107 and amended August 9, 1994, effective January 1, 1995; Comment revised October 8, 1999, effective January 1, 2000; renumbered Rule 507 and amended March 1, 2000, effective April 1, 2001; Comment revised February 26, 2010, effective April 1, 2010.

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4325, 4342 (August 27, 1994).

Final Report concerning the October 8, 1999 Comment revision published with the Court's Order at 29 Pa.B. 5505, 5509 (October [ 8 ] 23, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477, 1478 (March 18, 2000).

Final Report explaining the February 26, 2010 Comment revision regarding electronic approval published with the Court's Order at 40 Pa.B. 1397, 1398 (March 13, 2010).

FINAL REPORT<sup>1</sup>

Revisions to the Comments to Pa.Rs.Crim.P. 202 and 507

ELECTRONIC APPROVAL OF SEARCH WARRANT AFFIDAVITS AND COMPLAINTS BY THE ATTORNEY FOR THE COMMONWEALTH

On February 26, 2010, effective April 1, 2010, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revisions to the Comments to Rules of Criminal Procedure 202 (Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option) and 507 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option) clarifying that an attorney for the Commonwealth is not precluded from providing approval of search warrant applications, complaints, and arrest warrant affidavits electronically.

These changes were the result of a question presented to the Committee by the Pennsylvania District Attorney's

1 The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Association. Specifically, they asked whether, under Rule 507, an attorney for the Commonwealth's approval for the filing of a criminal complaint could be done electronically and, if not, they asked that the rule be changed to permit the practice.

Rule 507 provides that, on a county-by-county basis, a district attorney may require that the police obtain the approval of an attorney for the Commonwealth before filing criminal complaints, arrest warrant affidavits, or both. Rule 507 requires the creation of a local rule to effectuate this procedure.

Although not explicitly required in the rule, the current practice is for that approval to be documented by the attorney for the Commonwealth signing the complaint. The current complaint form maintained by the AOPC effectuates this practice by referencing the Rule 507 approval option and providing a space for an approval signature.

The Committee concluded that permitting this approval to be provided electronically is an efficient use of resources and not inconsistent with the intention of the rules. For example, the rules authorize electronic signatures on legal documents generated by the court so it seems reasonable that the attorney for the Commonwealth's signature approving a complaint similarly could be electronically generated.<sup>2</sup>

The Committee also has learned that some counties currently permit the approval process to be done electronically, with no noted problems. Additionally, the AOPC has been working with the Pennsylvania State Police and several jurisdictions, including Allegheny County, on the creation of a system for the electronic preparation and transmission of criminal complaints. When this system is put in place, attorney for the Commonwealth approval by electronic signature will be a necessary component.

Therefore, the Committee developed a revision to the *Comment* to Rule 507 to provide that nothing under the rule precludes an attorney for the Commonwealth from using advanced communication technology<sup>3</sup> or other electronic methods to convey the approval of the complaint to the affiant.

In developing this proposal, the Committee also determined that the concept underlying the proposed revision to the Rule 507 *Comment* is equally applicable to Rule 202 that provides for local approval procedures for search warrant applications similar to the Rule 507 local approval procedures for complaints. Therefore, a comparable provision has been added to the Rule 202 *Comment*.

Finally, there is also a minor change to the form portion of Rule 507, replacing the abbreviation "PCIC" with the more current "CLEAN" which is the abbreviation preferred by the Pennsylvania State Police to reference to the Commonwealth Law Enforcement Assistance Network utilized to conduct criminal history checks.

[Pa.B. Doc. No. 10-436. Filed for public inspection March 12, 2010, 9:00 a.m.]

<sup>2</sup> Rule 103 provides the following definition of "Signature":

**SIGNATURE**, when used in reference to documents generated by the minor judiciary or court of common pleas, includes a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization, unless otherwise provided in these rules.

<sup>3</sup> Rule 103 defines "advanced communications technology" as:

**ADVANCE COMMUNICATIONS TECHNOLOGY** is any communication equipment that is used as a link between parties in physically separate locations, and includes, but is not limited to: systems providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail.

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### In Re: Civil Rules of the Court of Common Pleas; Rules Doc. No. 1 of 2010

#### Order of Court

*And Now, to-wit, this 25th day of February, 2010, It Is Hereby Adjudged, Ordered and Decreed* that the following Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges on January 28, 2010, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Civil Procedure Rule 1915.17 Appointment of Parenting Coordinator

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

#### 1915.17. Appointment of Parenting Coordinator.

(a) In cases involving repeated or intractable conflict affecting implementation of a Final Custody Agreement, Parenting Plan or Order, concerning custodial parenting time or responsibility, the Court may, on the application of either party or its own motion, appoint a Parenting Coordinator to assist the parties in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order and in resolving related parenting issues about which they do not agree. Appointment of a Parenting Coordinator shall occur when the Court concludes that such action serves the best interests of the child(ren).

(b) The Parenting Coordinator shall discuss relevant parenting issues with both parties and other persons as needed, and shall attempt to facilitate a mutually accepted resolution.

(c) If the parties are unable to resolve the issue(s), the Parenting Coordinator is authorized (but is not required) to decide the issue.

(d) The Parenting Coordinator has authority to decide issues concerning partial physical custody and visitation to the extent set forth in the Custody Agreement/Parenting Plan/Order appointing the Parenting Coordinator. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority:

(1) A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;

(2) A change in primary physical custody (residential parenting time) as set forth in the Custody Agreement/Parenting Plan/Order;

(3) A change in the court-ordered custody schedule (parenting time) that substantially reduces or expands the child(ren)'s time with one or both parties;

(4) A change in the geographic residence of the child(ren)'s (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;

(5) Determination of financial issues, other than allocation of the Parenting Coordinator’s fees.

The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon written agreement of the parties.

(e) The Parenting Coordinator shall be either:

(1) a licensed mental health professional with a master’s degree (or equivalent or higher degree) who has practiced at least 5 years; or

(2) a licensed attorney practicing family law for at least 5 years.

(f) The Parenting Coordinator’s qualifications shall include, at a minimum:

(1) Training or experience in family dynamics, childhood development, custody, separation and divorce; and

(2) Training in the parenting coordination process and family law as established by the Pennsylvania Supreme Court; and

(3) Forty hours of mediation training under Pa.R.Civ. P. § 1940.4, excluding mediation supervision under Pa.R. Civ.P. § 1940.4(a)(4); and

(4) Training in the dynamics of domestic violence; and

(5) Completion of at least ten continuing education credits in any topic related to Parenting Coordination in each two year period.

(g) Protocols for the Parenting Coordination process shall be set forth in the Order appointing the Parenting Coordinator and/or by separate agreement between the parties and Parenting Coordinator.

In cases where abuse (as defined under 23 Pa.C.S. § 6102) is alleged, the protocols should include measures for the safety and protection of the participants, unless the Court deems the measures unnecessary.

(h) A Court-appointed Parenting Coordinator is an officer of the Court, and has quasi-judicial immunity.

(i) Communications with the Parenting Coordinator are not confidential.

(j) The Parenting Coordinator’s decisions may be provided to the parties verbally, but shall be communicated in writing as soon as practicable and filed in the prothonotary’s office at the parties’ custody docket.

(k) Decisions made by the Parenting Coordinator shall be binding upon the parties pending further Order of Court.

(l) Any party seeking judicial review of the Parenting Coordinator’s Decision must file a Petition for *de novo* hearing within 20 days of the filing of the Decision stating specifically the issue(s) to be reviewed and attaching a copy of the Decision. The Petition must be served on the other party(ies) and the Parenting Coordinator, in accordance with the Rules of Civil Procedure. The hearing before the Court shall be *de novo*. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Rule 1915.4.

(m) The parties shall share the cost of the Parenting Coordinator pursuant to the parties’ respective financial circumstances or as the Parenting Coordinator or Court may otherwise direct.

(n) In allocating costs, the Parenting Coordinator or Court may consider whether one party has caused a disproportionate need for the services of the Parenting Coordinator.

(o) In review proceedings under subsection (l), the Court may elect to impose counsel fees and/or the Parenting Coordinator’s fees upon the non-prevailing party, upon cause shown.

(p) The Court may maintain a roster of individuals it deems qualified to serve as Parenting Coordinators, and may establish training and grievance procedures if it deems them appropriate.

(q) The Order entered pursuant to this Rule shall be substantially in the following form:

**Comment To The Rule**

Following the entry of a final Custody Order, some cases involve repeated or intractable conflict. These cases involve repetitive filings and litigation that detrimentally affect the children and disproportionately consumes limited judicial resources.

Parenting Coordination can be an effective tool to prevent escalation of conflict between the parties, including (but not limited to) cases where domestic violence is or has been involved. The Parenting Coordinator’s initial role is to attempt an agreed resolution of disputes between the parties. Failing that, the Parenting Coordinator is authorized to make decisions as set forth in Rule 1915.17 (d). As Pennsylvania law precludes mediation in cases where domestic violence is alleged, the methods used by the Parenting Coordinator must conform to that prohibition where applicable.

Plaintiff,	:	
	:	IN THE COURT OF COMMON PLEAS
	:	_____, COUNTY,
vs.	:	PENNSYLVANIA
	:	
	:	NO. _____
	:	
	:	
Defendant	:	CIVIL ACTION—CUSTODY

**[ AGREEMENT, PARENTING PLAN AND ] ORDER FOR PARENTING COORDINATION**

AND NOW, [the above-captioned Parties agreeing and] the Court finding that it is in the best interest of the child[ren], [NAMES OF CHILDREN, DOB], that a Parenting Coordinator be appointed to assist the parties in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order dated and in resolving related parenting issues about which they do not agree, the following is [STIPULATED AND] ORDERED:

1. APPOINTMENT AND TERM:

\_\_\_\_\_ is appointed as the Parties’ Parenting Coordinator for a term of [\_\_] months, or until the resignation of the Parenting Coordinator or termination of the appointment by the Court, whichever first occurs. The Parenting Coordinator’s Terms of Engagement are attached hereto and are incorporated into this [Custody Agreement/Parenting Plan/Order]. The Court shall have authority to sanction a party for non-compliance with the Parenting Coordinator’s Terms of Engagement.

Legal counsel for \_\_\_\_\_ [or either party, if pro-se] shall provide copies of all Orders, Pleadings and Custody Evaluations in this case to the Parenting Coordinator within ten (10) days of the date hereof.

## 2. ROLE OF THE PARENTING COORDINATOR:

### A. Parenting Coordination involves two components:

1) The Parenting Coordinator shall attempt to resolve issues arising out of the custody order/court approved agreement/parenting plan through facilitation, mediation, consultation, coaching and education, all of which are non-decision-making functions;

2) If it is apparent to the Parenting Coordinator that continued similar efforts are unlikely to resolve the issue(s), the Parenting Coordinator shall have the authority to resolve the dispute by providing a Decision for the parties on the issue(s).

B. The Parenting Coordinator will not function as the psychotherapist, counselor, attorney or advocate for the parties, or the parties' child[ren], or family. However, the Parenting Coordinator is permitted and encouraged to facilitate communication and agreement between the parties whenever possible, and shall always act in a manner conducive to the best interests of the child[ren].

## 3. PARENTING COORDINATOR'S AUTHORITY:

The Parenting Coordinator, in order to implement the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order and resolve related parenting issues about which they do not agree, is authorized to make decisions about issues that may include, but are not limited to, the following:

A. Dates, times, places and conditions for transitions between households;

B. Temporary variation from the schedule for a special event or particular circumstance;

C. Minor adjustments to the physical custody schedule as set forth in the current Custody Order/Agreement/Parenting Plan;

D. School issues, apart from school selection;

E. Child[ren]'s participation in recreation, enrichment, and extracurricular activities, programs and travel;

F. Child-care arrangements;

G. Clothing, equipment, toys and personal possessions of the child[ren];

H. Behavioral management of the child[ren];

I. Information exchange (school, health, social, etc.) and communication with or about the child[ren];

J. Coordination of existing or court-ordered services for either of the parties or child[ren] (e.g. Psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management, parenting class, etc.);

K. Other related custody issues that the parties mutually agree, in writing, to submit to the Parenting Coordinator.

## 4. EXCLUSIONS FROM PARENTING COORDINATOR'S AUTHORITY:

A. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority, except as provided in subparagraph (B) hereinbelow:

1) A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;

2) A change in primary physical custody (residential parenting time) set forth in the Custody Agreement/Parenting Plan/Order;

3) A change in the Court-ordered custody schedule (parenting time) that substantially reduces or expands the child[ren]'s time with one or both parties;

4) A change in the geographic residence of the child[ren]'s (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;

5) Determination of financial issues, other than allocation of the Parenting Coordinator's fees;

6) Other: \_\_\_\_\_ .

B. The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon written agreement of the parties.

## 5. NON-CONFIDENTIALITY OF COMMUNICATIONS:

No communications of the parties and/or their lawyers with the Parenting Coordinator are confidential. The Parenting Coordinator may communicate in writing with the Court regarding any matter, and shall send contemporaneous copies of any such communication to [the parties (if pro-se)] legal counsel.

## 6. SOURCES OF INFORMATION:

Each party shall provide the Parenting Coordinator with all information that the Parenting Coordinator requests, including signed HIPAA releases and other forms requested. The Parenting Coordinator is authorized to contact any professional or other individual as the Parenting Coordinator deems necessary (e.g., the children, therapists, physicians, childcare providers, teachers, family members, etc.).

## 7. COMMUNICATION WITH THE PARENTING COORDINATOR:

### A. Protocol:

The Parenting Coordinator shall determine the protocol of all communications, interviews, and sessions, including who shall or may attend the sessions (including the children), and whether the sessions will be conducted in person or by other means. Where domestic violence or abuse, as defined under 23 Pa.C.S. § 6102, is alleged, the protocols should include measures addressing the safety of all participants, unless the Court deems the measures unnecessary.

### B. Oral and Written Communications With The Parenting Coordinator:

The parties and their attorneys shall have the right to receive, but not to initiate, oral *ex-parte* (one-sided) communications from the Parenting Coordinator, but the fact of such communication shall be known to the other party. Any party or legal counsel may communicate in writing with the Parenting Coordinator provided a copy is sent to the other party simultaneously. Any documents, tape recordings or other material which one party gives to the Parenting Coordinator must also be made available to the other party or his/her legal counsel for inspection and copying. In accordance with paragraph 5 hereinabove, no such communications are confidential.

### C. Written Communications Between the Parenting Coordinator and Appointing Judge

(1) The Parenting Coordinator will have the ability to initiate written communication with the Appointing Judge, and shall contemporaneously send copies to both attorneys

(a) in the event of non-compliance of a party with any provision of this Appointment Order (including provisions relating to the compensation of the Parenting Coordinator); and/or

(b) detailing the Parenting Coordinator's reasons for withdrawing from service in the case.

(2) Absent an emergency affecting the child[ren]'s health or welfare, any communication from the Parenting Coordinator to the court shall be in writing, and shall be copied simultaneously to the parties (or, if represented, counsel). If the Parenting Coordinator has communicated orally with the Court on an emergency basis, the Parenting Coordinator promptly shall communicate to the parties (or, if represented, counsel) in writing the substance of the oral communication.

### 8. PARENTING COORDINATION DECISION-MAKING PROCESS

A. Prior to the Parenting Coordinator making a Decision, the Parenting Coordinator shall provide a notice and opportunity for each of the parties to be heard, unless exigent circumstances render contact with both parties impracticable or potentially dangerous to a party and/or the child[ren]. In the event a party is given advance written notice of a session but does not attend, the Parenting Coordinator may make a Decision despite that party's absence.

#### B. Decisions:

1) The Parenting Coordinator's Decisions may be communicated to the parties orally, but must be confirmed in writing as soon as practicable and filed in the Prothonotary's Office at the parties' above-captioned custody docket;

2) The Parenting Coordinator's Decisions shall be binding upon the parties unless and until revised by Court Order.

### 9. JUDICIAL REVIEW:

#### A. Review of Decisions:

Any party seeking judicial review of a Parenting Coordinator's Decision must file a Petition for a *de novo* hearing within 20 days of the filing of the Decision, specifically stating the issue(s) and attaching a copy of the Decision. The Petition must be served on the other party(ies) and Parenting Coordinator in accordance with the Rules of Civil Procedure. The hearing before the Court shall be *de novo*. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Rule 1915.4.

#### B. New Court Proceedings:

Prior to filing any new motion, petition or complaint with the Court involving non-emergency custody or parenting of the child[ren] within the scope of the Parenting Coordinator's authority, the parties shall participate in no fewer than two sessions with the Parenting Coordinator to attempt resolution of the specific disputed issue[s] (and to permit a Decision to be made to the extent authorized by paragraph 3 hereinabove).

C. The procedures set forth in this Section 9 are mandatory, and may not be waived by the parties.

### 10. QUASI-JUDICIAL IMMUNITY:

In accordance with Pa.R.Civ.P. § 1915.17, the Court-appointed Parenting Coordinator is an Officer of the Court, and has quasi-judicial immunity. As such the Parenting Coordinator cannot be sued based on his/her actions performed within the scope of this [Custody Agreement/Parenting Plan/Order].

### 11. CHILD ABUSE REPORTING:

The Parenting Coordinator is a person required to report suspected child abuse pursuant to 23 Pa.C.S.A. § 6311.

### 12. TESTIMONY:

The Parenting Coordinator cannot be compelled to testify in any proceeding absent a Court Order. In the event the Parenting Coordinator elects or is required to testify, he/she shall be compensated commensurate with his/her rate by one or both of the parties as the Court deems appropriate.

### 13. ALLOCATION OF FEES:

The parties will share the obligation to pay the fees of the Parenting Coordinator: \_\_\_ % Mother, \_\_\_ % Father. Fees may be reallocated by the Court or the Parenting Coordinator if he/she determines that one party has disproportionately caused the need for the service. The Parenting Coordinator may, in his/her discretion charge parties for missed sessions or sessions cancelled less than twenty-four hours prior to the scheduled session.

### 14. TERMINATION/WITHDRAWAL OF PARENTING COORDINATOR:

A. Neither party may unilaterally terminate the Parenting Coordinator's services without Court approval, nor may the parties do so by mutual agreement without Court approval.

B. The Parenting Coordinator may withdraw from service at any time, upon ten days' written notice to [the parties], all counsel of record, and the Court.

C. Dissatisfaction with the Parenting Coordinator's Decisions is not grounds for termination. The opposing party and Parenting Coordinator shall be given notice of any petition for termination. The Court may rule on the petition(s) submitted, or may schedule argument or an evidentiary hearing.

### [15. ACCEPTANCE:

A. The parties acknowledge that each has reviewed this Agreement and had the opportunity to consult with legal counsel.

B. Each party agrees to the appointment of as Parenting Coordinator, and agrees to fully cooperate with the Parenting Coordinator in compliance with this Custody Agreement/Parenting Plan/Order.]

16. This Custody Agreement/Parenting Plan/Order shall not be effective until accepted by the Parenting Coordinator as evidenced by his/her signature below:



[SIGNATURES:

Mother: \_\_\_\_\_

Father: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attorney for Mother: \_\_\_\_\_

Attorney for Father: \_\_\_\_\_

Other Party (if any): \_\_\_\_\_

Date: \_\_\_\_\_

I agree to my appointment as the Parenting Coordinator for the parties as set forth above.

\_\_\_\_\_]
Date Parenting Coordinator ]

ORDER

[The above Agreement is entered as a Court Order.]

SO ORDERED.
BY THE COURT:

\_\_\_\_\_, Judge
Date

Distribution:
Plaintiff [Attorney For Plaintiff]:
Defendant [Attorney For Defendant]:
Parenting Coordinator: \_\_\_\_\_

[Pa.B. Doc. No. 10-437. Filed for public inspection March 12, 2010, 9:00 a.m.]

Title 255—LOCAL
COURT RULES

VENANGO COUNTY
In Re: Local Rule 310—ARD

And Now, February 25, 2010, it is hereby Ordered that the above-stated Venango County Local rule be removed from publication in the Pennsylvania Bulletin pending review of the Criminal Procedural Rules Committee pursuant to Pennsylvania Rule of Criminal Procedure 105(D).

By the Court

OLIVER J. LOBAUGH,
President Judge

[Pa.B. Doc. No. 10-438. Filed for public inspection March 12, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF OSTEOPATHIC MEDICINE [ 49 PA. CODE CH. 25 ]

#### Reduction of Biennial Renewal Fee for Osteopathic Physicians

The State Board of Osteopathic Medicine (Board) hereby amends § 25.231 (relating to schedule of fees) to read as set forth in Annex A. This rulemaking decreases the biennial license renewal fee for an osteopathic physician from \$440 to \$220.

#### *Effective Date*

The amendment will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new reduced biennial renewal fee will take effect for the biennial renewal period commencing November 1, 2010.

#### *Statutory Authority*

Section 13.1(a) of the Osteopathic Medical Practice Act (act) (63 P. S. § 271.13a(a)) requires the Board to fix all fees by regulation. The Board is to set its fees so that projected revenues will meet or exceed projected expenditures.

#### *Omission of Proposed Rulemaking*

Under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law (CDL) (45 P. S. § 1204), the Board may omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) if the Board for good cause finds that the specified procedures are impracticable, unnecessary or contrary to the public interest. The Board finds for good cause that publication of this rulemaking as proposed is unnecessary. As discussed in the following paragraphs, the increase in Board expenditures was not as great as anticipated when the Board previously increased the renewal fee, resulting in a significant surplus. The amendment will reconcile the Board's revenue with its expenditures while maintaining the fiscal integrity of the Board. Because the reduction in renewal fee will only beneficially affect the regulated community, there is no need for the public to comment. Accordingly, the Board adopts this amendment without prior notice of proposed rulemaking. Comments on the amendment may, however, be submitted within 30 days of publication to the contact person for the Board.

#### *Background and Need for Amendment*

In 2002, the Board increased its biennial renewal fees for osteopathic physicians significantly, from \$140 to \$440, as a proactive measure to be able to respond to the anticipated increase in complaints filed against physicians under the newly enacted Medical Care Availability and Reduction of Error Act (MCARE Act) (40 P. S. §§ 1303.101—1303.910). See 32 Pa.B. 3220 (July 6, 2002). At the time, the Board expected its expenses to nearly double as a result of the increases in cases filed against

physicians under the mandatory reporting requirements of the MCARE Act, and projected that Board expenses would increase from \$632,000 in Fiscal Year (FY) 2001-2002 to \$1,171,605 in FY 2002-2003. It is now apparent that those projections were over-estimated. The number of cases opened has increased fairly significantly since the passage of the MCARE Act from 232 in FY 2000-2001 to 644 in FY 2008-2009, and costs have also increased during that time period from \$560,818.70 in FY 2000-2001 to an estimated \$1,349,000 in FY 2008-2009. However, the increase was much more gradual than expected, and the increased fee imposed beginning in November of 2002 has resulted in a significant surplus, currently estimated at \$6,484,575.93. Therefore, at its meeting on January 14, 2009, the Bureau of Finance and Revenue (BFO) presented the Board with several options for reducing the surplus in its accounts, including a one-time fee reduction, a one-time waiver of the biennial renewal fee, or a "permanent" fee reduction. The Board voted at its meeting on February 11, 2009, to reduce its biennial renewal fee by half from \$440 to \$220, beginning with the November 1, 2010—October 31, 2012, renewal period. At this level, BFO projects that the Board will have adequate revenue to meet its projected expenditures for a number of years before it would need to consider an increase.

#### *Description of Amendment*

The Board amends § 25.231 to decrease the biennial renewal fee for osteopathic physicians from \$440 to \$220.

#### *Fiscal Impact*

The amendment decreases the biennial renewal fee for osteopathic physicians. The rulemaking will have no other fiscal impact on the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

Although the rulemaking requires the Board to alter some of its forms to reflect the new biennial renewal fee, the rulemaking will not create additional paperwork for the private sector.

#### *Sunset Date*

The act requires the Board to monitor its revenue and costs on a FY year and biennial basis. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on January 14, 2010, the Board submitted copies of the final rulemaking, with proposed rulemaking omitted, to the Independent Regulatory Review Commission (IRRC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the Board submitted a copy of the amendment to the Office of Attorney General under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, the final rulemaking was approved by the HPLC on January 25, 2010, and deemed approved by the SCP/PLC on February 24, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 25, 2010, and approved the final-form rulemaking.

Additional Information

For additional information about the final-form rule-making or to comment, interested parties may contact Steven R. Dade, Counsel, State Board of Osteopathic Medicine by mail at P. O. Box 2649, Harrisburg, PA 17105-2649 or by telephone at (717) 783-7200.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL, because public comment is unnecessary in that no person is adversely affected by the reduction in the biennial renewal fee and the Board, by simply reconciling its expenditures and revenue, will maintain its fiscal integrity.

(2) The amendment of the Board's regulation in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending § 25.231 to read as set forth in Annex A.

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

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

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

JOSEPH C. GALLAGHER, Jr., DO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 1471 (March 13, 2010).)

Fiscal Note: Fiscal Note 16A-5322 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter F. FEES

§ 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

Table with 2 columns: Description of fee and Amount. Includes items like 'Application for unrestricted license to practice as osteopathic physician', 'Application for short-term camp license', 'Temporary training license or graduate training certificate', etc.

[Pa.B. Doc. No. 10-439. Filed for public inspection March 12, 2010, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective March 2, 2010.

The organization chart at 40 Pa.B. 1407 (March 13, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 10-440. Filed for public inspection March 12, 2010, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective March 1, 2010.

The organization chart at 40 Pa.B. 1408 (March 13, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 10-441. Filed for public inspection March 12, 2010, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective March 1, 2010.

The organization chart at 40 Pa.B. 1409 (March 13, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 10-442. Filed for public inspection March 12, 2010, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Governor's Office of Administration

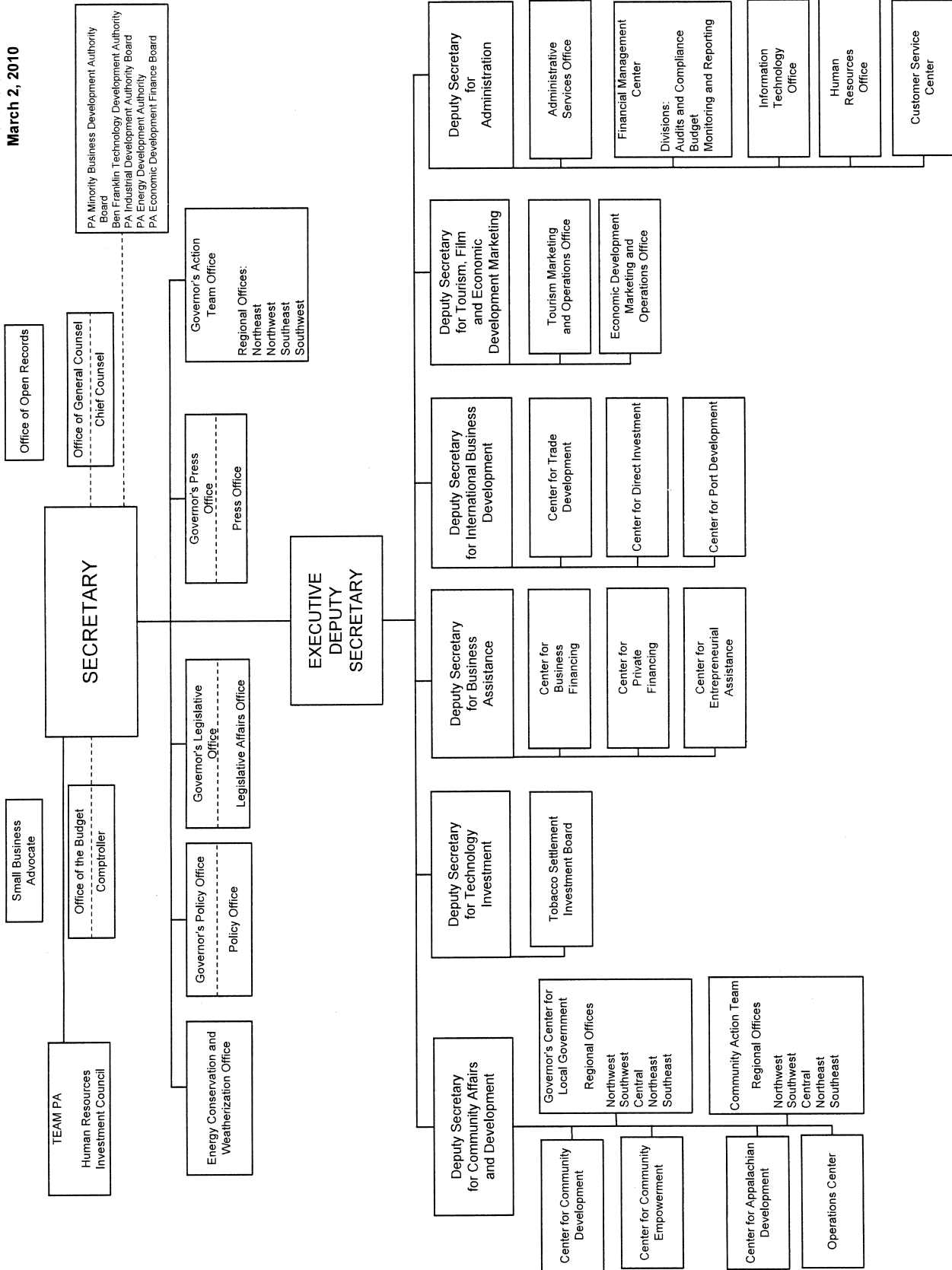
The Executive Board approved a reorganization of the Governor's Office of Administration effective February 18, 2010.

The organization chart at 40 Pa.B. 1410 (March 13, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

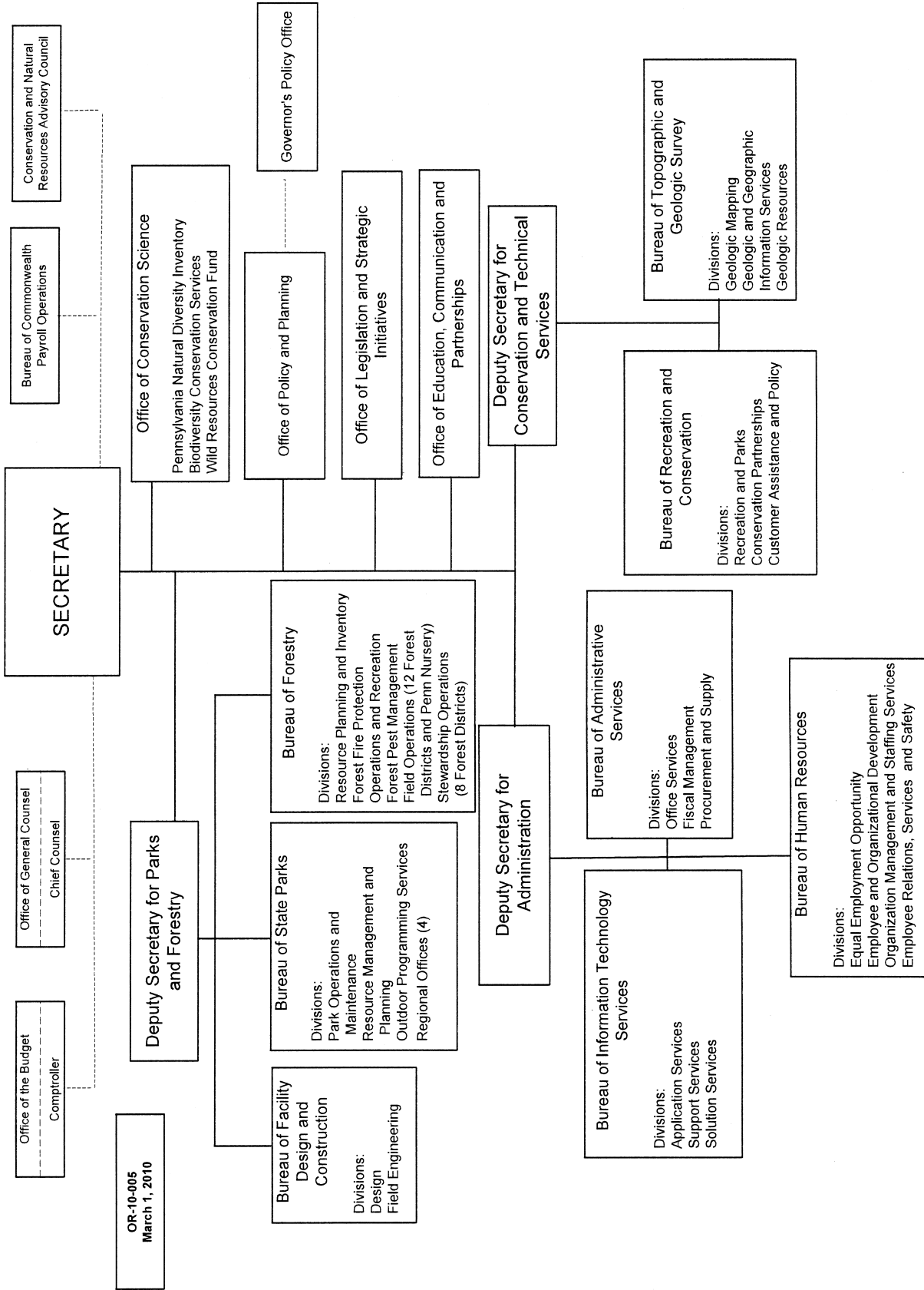
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 10-443. Filed for public inspection March 12, 2010, 9:00 a.m.]

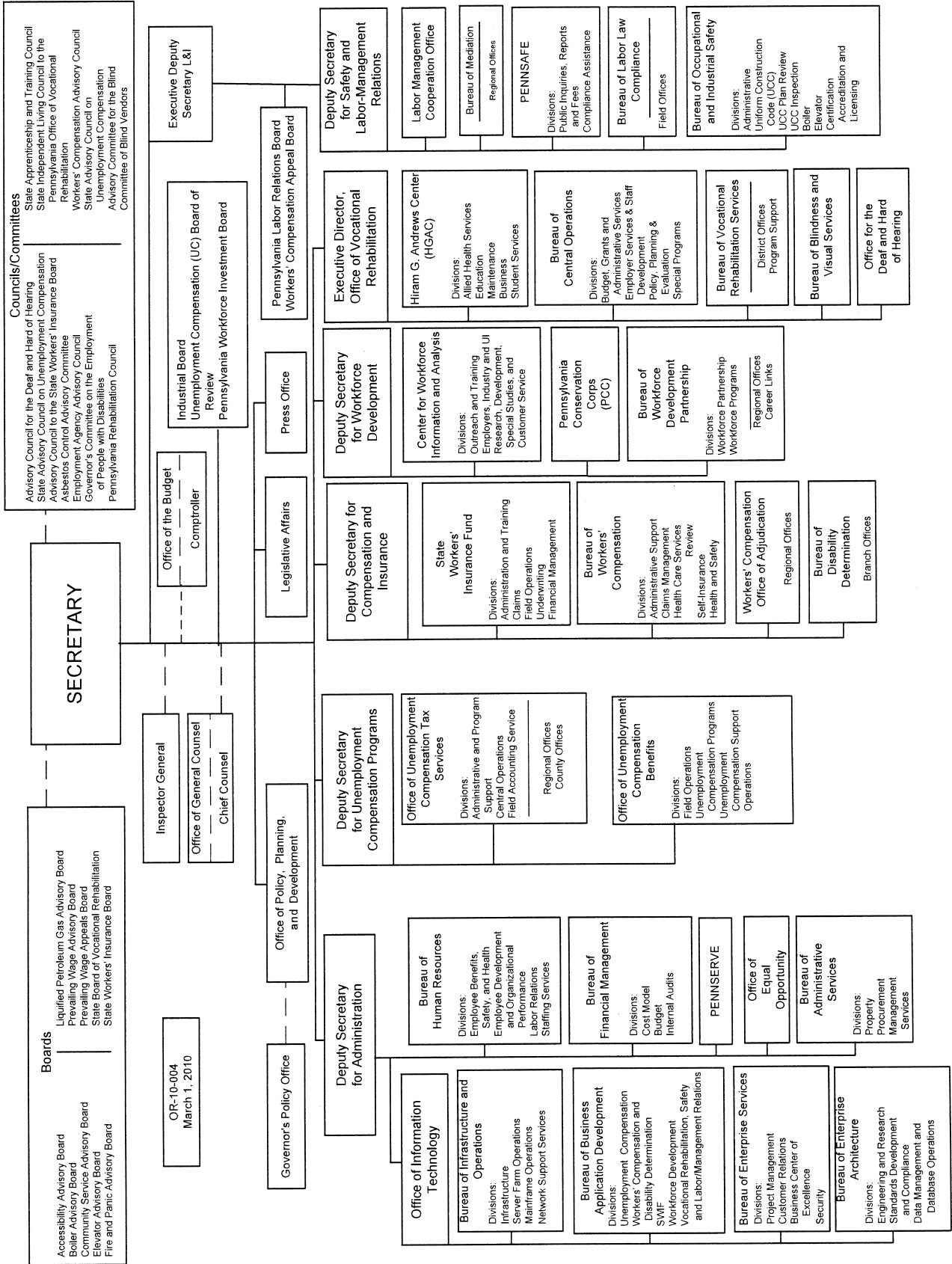
COMMUNITY AND ECONOMIC DEVELOPMENT  
 OR-10-007  
 March 2, 2010



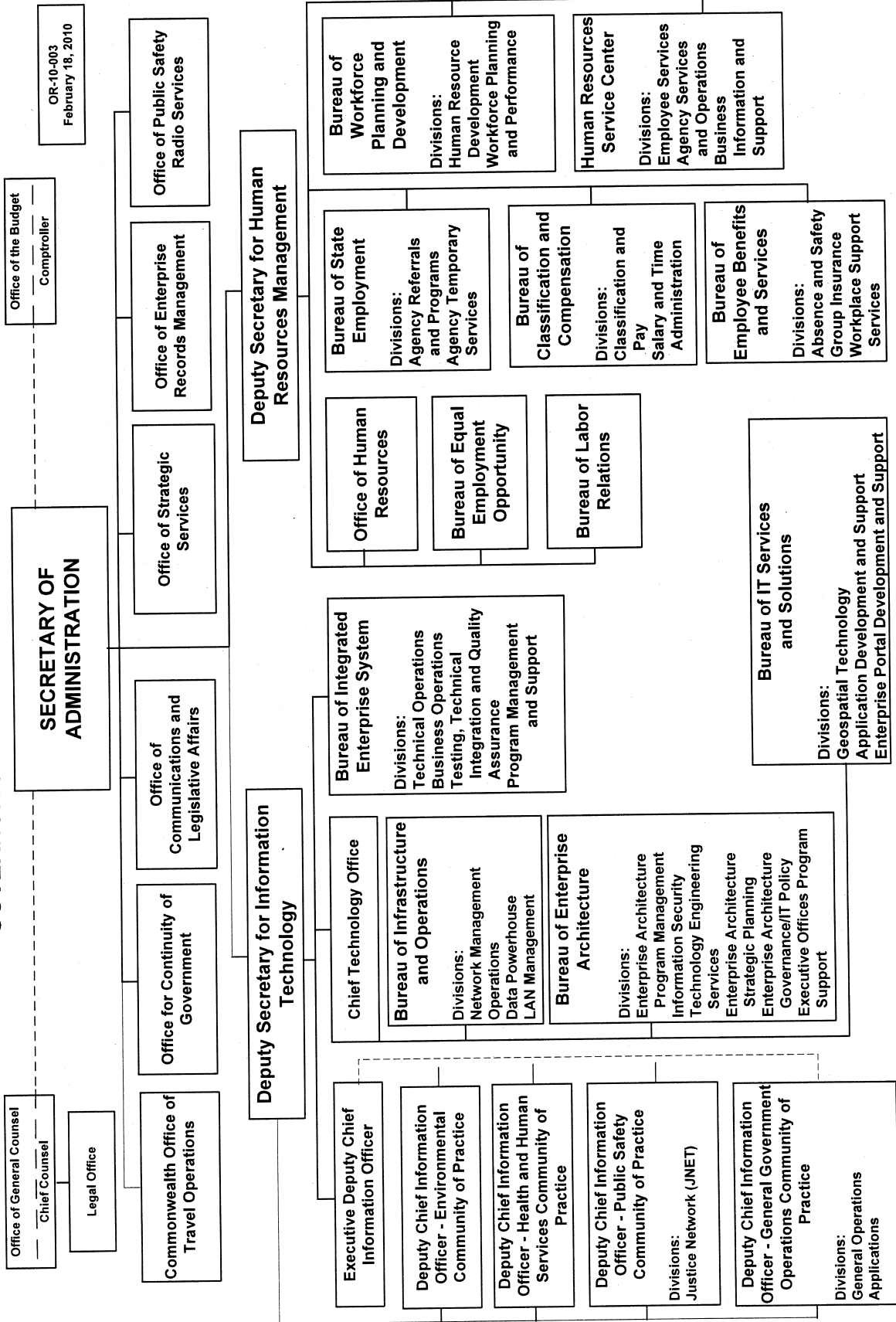
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



DEPARTMENT OF LABOR AND INDUSTRY



**GOVERNOR'S OFFICE OF ADMINISTRATION**





# Title 55—PUBLIC WELFARE

## DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 2600 ]

### Personal Care Homes

#### *Subject*

The subject of this statement of policy is the responsibility of personal care homes (homes) in conducting fire drills for residents who are actively dying while receiving hospice care and services under Article X of the Public Welfare Code (62 P. S. §§ 1001—1031, 1051—1059, 1070—1080 and 1085—1088).

#### *Scope*

This statement of policy applies to homes governed by Chapter 2600 (relating to personal care homes).

#### *Purpose*

The purpose of this statement of policy is to clarify the homes' duties to provide for the residents' personal care needs, as well as to meet the needs directed by the hospice agency, for the time period that hospice service staff persons are not physically present in the home and to clarify the optional fire drill procedures that are available to homes that choose to serve one or more residents who are actively dying while receiving hospice care and services.

#### *Background*

Beginning October 24, 2005, in accordance with § 2600.29 (relating to hospice care and services), a home may choose to serve a resident who receives hospice care and services. The hospice care and services shall be provided by a Department of Health licensed hospice agency. The home may choose to serve a resident who receives hospice care and services only if the home is able to provide for the individual resident's safe care and services during the provision of hospice care and services.

Some homes have chosen to provide for the individual resident's safe care and services during the provision of hospice care and services by a licensed hospice agency. Of the 48,000 residents served in personal care, it is estimated that 3,000 residents in a given year receive hospice care and services in the home.

If a home chooses to offer and provide care and services to a resident who is eligible for hospice care and services, the home's scope of services must clearly identify and describe this hospice care and service option in the home's description of services as described in § 2600.223 (relating to description of services). Not all homes are qualified and capable of meeting the service, medical and behavioral health needs of a resident who is eligible for hospice services. A home is encouraged to assess its staffing and service capability in determining if the home will offer and provide care to a resident who is eligible for hospice services. The home may set a limit on the number of residents who are eligible for hospice care and services that the home will safely serve at a given point in time. A home may choose to assess each resident's needs on an individual basis to assess if the home can safely serve the individual.

If the home chooses to serve a resident who receives hospice services, the home is responsible to meet the individual's service, medical and behavioral health needs on a 24-hour basis, regardless of the hours that the licensed hospice agency staff persons are present in the home.

The home is also responsible to meet applicable building codes and possess the Certificate of Occupancy use and occupancy classification to serve persons who receive hospice care and services.

#### *Discussion*

As the provision of hospice care and services in homes has increased, questions have been raised about the procedures to be followed while the resident is actively dying. This statement of policy addresses an option that a home may follow for the fire drill process as specified under § 2600.132(d) (relating to fire drills).

A home may choose to follow the requirements in § 2600.132(d) and safely evacuate the resident who is actively dying during each fire drill. Another option is to avoid fire drill participation by those who are actively dying, by planning fire drills to accommodate the active dying process. It is recommended that, when possible, the home hold its monthly fire drills to avoid a fire drill during a resident's active dying process. In accordance with § 2600.132(a), a fire drill must be held each calendar month. However, this allows the home to hold its drills within a 59-day time frame. For instance, a home may hold its monthly March fire drill on March 1, and its monthly April drill on April 30.

If it is not possible to safely include a resident who is actively dying in the fire drill process, and it is not possible to plan fire drills to accommodate the active dying process, this statement of policy specifies an option for a home to simulate the evacuation process to be used in an actual fire, but not disturb the actively dying resident in a fire drill.

#### *Effective Date*

This statement of policy is effective April 12, 2010.

#### *Contact Person*

Comments or questions related to this statement of policy may be directed to the Department of Public Welfare's Adult Residential Licensing Regional Licensing Directors; Sheila Page, West Region, (412) 565-5635; Katherine Young, Southeast Region, (610) 757-1348; Cybil Bomberger, Central Region, (717) 772-4674 or Duane Valence, Northeast Region, (570) 963-4158.

HARRIET DICHTER,  
*Acting Secretary*

*(Editor's Note:* The regulations of the Department of Public Welfare are amended by adding a statement of policy in § 2600.29a (relating to hospice care and services—statement of policy) to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-88. No fiscal impact; (8) recommends adoptions.

#### **Annex A**

#### **TITLE 55. PUBLIC WELFARE**

#### **PART IV. ADULT SERVICES MANUAL**

#### **Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES**

#### **CHAPTER 2600. PERSONAL CARE HOMES**

#### **GENERAL REQUIREMENTS**

#### **§ 2600.29a. Hospice care and services—statement of policy.**

(a) If a personal care home elects to provide assistance with IADLs or ADLs for a resident who receives hospice care and services in accordance with § 2600.29 (relating

to hospice care and services), the home shall provide for the resident's personal care needs, as well as meet the needs directed by the hospice agency for the time period that hospice service staff are not physically present in the home, and in accordance with the resident's medical evaluation, assessment and support plan.

(b) A home that elects to serve one or more residents who receive hospice care and services in accordance with § 2600.29 is not required to evacuate a resident who is actively dying, during a fire drill, if all of the following are met:

(1) A physician, who is not an employee or contractor of the home, has certified in writing that the resident is actively dying and may suffer bodily injury or a hastened death as a result of participation in a fire drill.

(2) The resident, the resident's power of attorney for health care, the resident's legal guardian or the resident's health care representative has provided written informed consent that the person is not to evacuate in a fire drill.

(3) If practicable, the home is to locate the bedroom of a resident receiving hospice care and services on the ground level of the building and near to an exit or fire-safe area as defined in § 2600.132(d) (relating to fire drills).

(4) During a fire drill, the one designated person at the home who has knowledge in advance of the fire drill is to immediately upon setting off the fire alarm to begin the fire drill, go to the room of the resident who meets the conditions of paragraphs (1)—(3), and notify the affected resident and any staff person who attempts to evacuate the resident, that this is a fire drill and the resident is not to be evacuated.

(5) If the provisions of paragraph (4) are initiated, the informed staff person is to immediately practice a fire drill evacuation in accordance with the following:

(i) Access a mode of transport such as a bed on wheels, a chair on wheels or a drag mat in the resident's bedroom or nearby area, which is not currently occupied by the resident.

(ii) Reasonably simulate the level of effort required to move the resident and proceed to practice evacuation to

the nearest unblocked exit or fire safe area. The simulation will include the number of staff persons that is required during an evacuation to safely move the resident.

(6) If the provisions of paragraph (4) are not initiated, staff persons will proceed to evacuate the resident. All staff persons are to be trained to follow this evacuation procedure.

(7) The home is to maintain sufficient staffing at all times to provide for the safe evacuation of all residents, including the resident who is actively dying while receiving hospice care and services, in accordance with the fire drill practice requirements specified in paragraph (5) and § 2600.132(a)—(j). A resident who meets the conditions of paragraphs (1)—(3) is a resident with mobility needs in accordance with § 2600.4 (relating to definitions).

(8) A hospice agency staff person may participate in the fire drill if the staff person is physically present in the home continuously on a 24-hour basis during the active dying process.

(9) The total time to evacuate all residents, including the practice provision of paragraph (5), may not exceed the time allotted under § 2600.132(d).

(10) The resident's assessment and support plan are to be kept current and specify the requirements of this section as it relates to the specific resident.

(11) Documentation of compliance with this section is to be kept in the fire drill record, as well as in the resident's record. The documentation is to include the following:

(i) A copy of the Department of Health license for the hospice agency.

(ii) Written certification by the physician as specified in paragraph (1).

(iii) Written informed consent as specified in paragraph (2).

(iv) Written documentation of the home's consideration of relocation of the resident's bedroom as specified in paragraph (3).

[Pa.B. Doc. No. 10-444. Filed for public inspection March 12, 2010, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 2, 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 Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-24-2010	Allen E. Ertel Application for approval to acquire up to 18.0% of the common stock of Woodlands Financial Services Company, Williamsport.	Approved
2-24-2010	Joanne K. and J. Donald Steele, Jr. Application for approval to acquire up to 35.0% of the common stock of Northumberland Bancorp, Northumberland.	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-22-2010	Jonestown Bank and Trust Company of Jonestown, PA Jonestown Lebanon County	101 Northside Commons Palmyra Lebanon County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-24-2010	QNB Bank Quakertown Bucks County	<i>To:</i> 950 Millcreek Road Wescosville Lehigh County  <i>From:</i> 1042 Millcreek Road Wescosville Lehigh County	Approved

##### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-24-2010	Parkvale Savings Bank Monroeville Allegheny County	<i>Into:</i> 307 Fourth Avenue Pittsburgh Allegheny County  <i>From:</i> 200 Fifth Avenue Pittsburgh Allegheny County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-26-2010	Graystone Tower Bank Lancaster Lancaster County	130 Mullen Street Fort Loudon Franklin County	Closed
2-26-2010	Graystone Tower Bank Lancaster Lancaster County	1574 Buchanan Trail East Greencastle Franklin County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
2-26-2010	First Commonwealth Bank Indiana Indiana County	Approved and Effective

Amendment to Article 5 of the institution's Articles of Incorporation authorizes the issuance of common stock and preferred stock.

**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. 10-445. Filed for public inspection March 12, 2010, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 24, 2010, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

C. ALLEN SACHSE,  
*Chairperson*

[Pa.B. Doc. No. 10-446. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department) and Borough of Ohiopyle are proposing an exchange of lands in Fayette County.

The Department is proposing to convey 2.65 acres of Ohiopyle State Park within the Borough municipal boundary to the Borough of Ohiopyle. In return, the Borough of Ohiopyle proposes to convey 2.65 acres in Ohiopyle Borough Fayette County to the Department's Ohiopyle State Park.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing March 10, 2010, and ending April 10, 2010. Oral or written comments or questions concerning this proposed exchange may be addressed to John Norbeck, Director, of Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551, telephone (717) 787-6640. These oral and/or written comments will become part of the official document used in the final decision process.

A public informational meeting has been scheduled to respond to any questions or concerns the general public may have regarding this exchange of lands. The meeting has been scheduled for Thursday, March 25, 2010, between 4 p.m. and 7 p.m. The meeting will be held at the Ohiopyle Community Center, 15 Sherman Street, Ohiopyle, PA 15470. For details, call (724) 329-8591.

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 10-447. Filed for public inspection March 12, 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

*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>
PA0002038	OMG Americas, Inc. P. O. Box 111 Franklin, PA 16323-0111	Sugarcreek Township Venango County	Race Run Outfalls 001, 003—008 Allegheny River Outfalls 002 Two Mile Run Outfalls 009—011	Y

<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>
PA0239607	James Kapp Rocky River Development 8100 Ohio River Boulevard Pittsburgh, PA 15202	Perry Township Clarion County	Unnamed tributary to the Allegheny River 17-C	Y
PA0025551	United States Department of Agriculture Forest Service Dewdrop Campground STP 222 Liberty Street Warren, PA 16365-2304	Mead Township Warren County	Allegheny Reservoir 16-B	Y

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

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

**Application No. PA 0085171**, Sewage, **Lyons Borough Municipal Authority**, 316 South Kemp Street, Lyon Station, PA 19536-0131. This facility is located in Lyons Borough, **Berks County**.

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

The receiving stream, Sacony Creek, is in Watershed 3-B, and classified for cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for City of Reading is located on the Maiden Creek, approximately 21 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 0.20 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	19	28	38
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	5	XXX	10
(11-1 to 4-30)	15	XXX	30
Total Lead	0.03	XXX	0.06
Total Residual Chlorine	0.28	XXX	0.93
Total Phosphorus	Monitor	XXX	XXX
Total Dissolved Solids	Monitor	XXX	XXX
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	

### Lake Ontelaunee TMDL Requirements

<i>Parameter</i>	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Total Suspended Solids	XXX	Report		13,698
Total Phosphorus	XXX	Report		456.6

The proposed final effluent limits for Outfall 001 for a design flow of 0.30 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	16	25	32
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	5	XXX	10
(11-1 to 4-30)	15	XXX	30
Total Lead	0.027	XXX	0.054
Total Residual Chlorine	0.20	XXX	0.054
Total Phosphorus	Report	XXX	XXX

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	1,000	XXX	2,000
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 0261378**, Sewage, **Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16602. This facility is located in Reed Township, **Dauphin County**.

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

The receiving stream, dry swale to the Juniata River, is in Watershed 12-B, and classified for WWT, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water is located on the Susquehanna River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0025 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>	10.0	XXX	20.0
Total Suspended Solids	10.0	XXX	20.0
Total Phosphorus	0.5	XXX	1.0
Total Nitrogen	5.0	XXX	10.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 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 in effect.

**Application No. PA 0081213**, Sewage, **Clay Township (Village of Hopeland STP)**, 870 Durlach Road, Stevens, PA 17578. This facility is located in Clay Township, **Lancaster County**.

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

The receiving stream, unnamed tributary to Middle Creek, is in Watershed 7-J, and classified for trout stocking fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Authority is located on the Conestoga Creek, approximately 20 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 0.035 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)	6		12
(11-1 to 4-30)	18		36
Total Phosphorus	2		4
Total Residual Chlorine	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	

The proposed final effluent limits for Outfall 001 for a design flow of 0.035 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)	6		12
(11-1 to 4-30)	18		36

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus	2		4
Total Residual Chlorine	0.44		1.44
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 in effect.

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

**PA0041831-A1**, Sewage, **Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435. This existing facility is located in Springboro Borough, **Crawford County**.

Description of Proposed Activity: Amendment of an existing NPDES permit to discharge treated sewage.

The receiving stream, the Conneaut Creek, is in watershed 15 and classified for: Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.380 MGD.

#### Interim Limits

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>	79	126	25	40	50
Total Suspended Solids	95	142	30	45	60
NH <sub>3</sub> -N					
(05/01 - 10/31)	25		8		16
(11/01 - 04/30)	76		24		48
Total Phosphorus (as P)	3.2		1		2
Fecal Coliform					
(05/01 - 09/30)				200/100 ml as a geometric average	
(10/01 - 04/30)				2,000/100 ml as a geometric average	
Total Residual Chlorine		0.4			1.3
pH				6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 001 are based on a design flow of 0.600 MGD.

#### Final Limits

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)					
CBOD <sub>5</sub>	100	150	20	30	40
Total Suspended Solids	150	225	30	45	60
NH <sub>3</sub> -N					
(05/01 - 10/31)	35		7		14
(11/01 - 04/30)	105		21		42
Total Phosphorus (as P)	5		1		2
Fecal Coliform					
(05/01 - 09/30)				200/100 ml as a geometric average	
(10/01 - 04/30)				2,000/100 ml as a geometric average	
Total Residual Chlorine			0.4		1.3
pH				6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0263516**, Industrial Waste, **Pennsylvania Brine Treatment, Inc.—Rouseville Facility**, 5148 US Route 322, Franklin, PA 16323. This proposed facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Activity: a new discharge of treated industrial waste.



The receiving water is Oil Creek. The receiving stream is in State Water Plan 16-E and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. The nearest downstream potable water supply, Aqua Pennsylvania at Emlenton, is located on the Allegheny River and is approximately 44 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.08 MGD.

Interim Limits—These limits will be applicable from issuance date through December 31, 2010.

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	
Flow (MGD)		0.08			
Oil and Grease			15		30
TSS			30		60
BOD <sub>5</sub>			53	163	163
Iron (Total)			3	6	7.5
Ammonia			25	50	62.5
Barium			10	20	25
Strontium			10	20	25
Manganese			2	4	5
Copper			0.757	0.865	1.893
Zinc			0.420	0.497	1.05
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.140
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.699	0.699
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.455
2,4,6-Trichlorophenol			0.106	0.155	0.263
TDS		331,189	XX	XX	
Osmotic Pressure (mOs/kg)			13,403	26,806	33,508

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	
Acidity					
Sulfate			XX	XX	
Chloride			XX	XX	
Benzene			XX	XX	
Lead			XX	XX	
Aluminum			XX	XX	
Alkalinity			XX	XX	
Bromide			XX	XX	
Radium 226/228 (pCi/L)			XX	XX	
Gross Alpha (pCi/L)			XX	XX	
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limits for Outfall 001 based on a design flow of 0.08 MGD.

Final Limits: These limits will be applicable from January 1, 2011, until the permit expires.

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	
Flow (MGD)		0.08			
Oil and Grease			15		30
TSS			30		60
BOD <sub>5</sub>			53	163	16.3
Iron (Total)			3	6	7.5
Ammonia			25	50	62.5
Barium			10	20	25
Strontium			10	20	25
Manganese			2	4	5
Copper			0.757	0.865	1.893
Zinc			0.420	0.497	1.05
Acetone			7.97	30.2	30.2

Parameter	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Acetophenone			0.0562	0.114	0.140
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.699	0.699
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.455
2,4,6-Trichlorophenol			0.106	0.155	0.265
TDS			500	1,000	1,250
Acidity				Less than Alkalinity	
Sulfate			250	500	625
Chloride			250	500	625
Benzene			XX	XX	
Lead			XX	XX	
Aluminum			XX	XX	
Alkalinity			XX	XX	
Bromide			XX	XX	
Radium 226/228 (pCi/L)			XX	XX	
Gross Alpha (pCi/L)			XX	XX	
pH			Within limits of 6.0 to 9.0 standard units at all times.		

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 4610402**, Sewerage, **Upper Gwynedd Township**, P. O. Box 1, Parkside Place, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Installation of an ultra-violet light disinfection system at the Upper Gwynedd Township WWTP.

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

**WQM Permit No. 2210401**, Sewerage, **Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16602. This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of a sewage treatment plant to serve a new convenience store along SR 22/322 the Clarks Ferry Sheetz.

**WQM Permit No. 0694423, Amendment 10-1**, Sewerage, **Lyons Borough Municipal Authority**, P. O. Box 131, 316 South Kemp Street, Lyon Station, PA 19536-0131. This proposed facility is located in Lyons Borough and Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Upgrade/Expansion of wastewater treatment plant from 0.200 MGD to 0.300 MGD due to a request for a 0.100 MGD increase in capacity by East Penn Manufacturing Company, Inc.

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

**WQM Permit No. 6510402**, Sewerage, **Mon Valley Sewage Authority**, P. O. Box 792, Donora, PA 15033. This proposed facility is located in the City of Monessen, **Westmoreland County**.

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

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

**WQM Permit No. 3310401**, Sewerage, **Brockway Area Sewer Authority**, 501 Main Street, Brockway, PA 15824. This proposed facility is located in Brockway Borough, **Jefferson County**.

Description of Proposed Action/Activity: The pump station will be replaced with a new grinder pump station due to the age of the existing facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1505043-R	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF
PAI01 151001	Side By Side Construction 3025 Washington Road Suite 3L-7 McMurray, PA 15317	Chester	West Nantmeal Township	East Branch Brandywine Creek HQ
PAI01 151002	Comprehensive Addiction Programs, Inc. 1375 Newark Road P. O. Box 787 Kennett Square, PA 19348	Chester	New Garden Township	East Branch White Clay Creek EV
PAI01 151003	Deluca Enterprises, Inc. 107 Floral Vale Boulevard Yardley, PA 19067	Chester	East Fallowfield Township	Unnamed Tributary West Branch Brandywine Creek HQ

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

*Luzerne County Conservation District: Route 485, Smith Pond Road, Lehman, PA 18627-0250.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010002	Department of Transportation District 4-0 Attn: Debbie Noone 55 Keystone Industrial Park Dunmore, PA 18512	Luzerne	West Hazleton Borough Hazleton City Hazle Township	Black Creek CWF, MF Cranberry Creek CWF, MF Hazle Creek HQ-CWF, MF Dreck Creek HQ-CWF, MF

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

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

## **STATE CONSERVATION COMMISSION**

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

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Adam Meily (Farm) Back Mt. Road McClure, PA 17841 (Mailing) P. O. Box 607 Millerstown, PA 17062	Snyder	11.0	1,101.2	Swine	N/A	Application
		0 for manure application				

**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**

**Application No. 0910506**, Public Water Supply.

Applicant	<b>Toll Brothers, Inc.</b>
Township	Buckingham
County	<b>Bucks</b>
Responsible Official	David B. Anderson 250 Gibraltar Road Horsham, PA 19044
Type of Facility	PWS

Consulting Engineer	Gilmore & Associates, Inc. 65 East Butler Avenue Suite 1 New Britain, PA 18901
Application Received Date	March 1, 2010
Description of Action	Use of proposed Wells FG-1 and FG-2 as sources of supply and construction and operation of a service building (which includes metering chlorination booster pumps/fine pump) a water storage tank and a water distribution system.

**Application No. 1510505**, Public Water Supply.

Applicant	<b>West Fallowfield Christian School</b>
Township	West Fallowfield
County	<b>Chester</b>
Responsible Official	Elvin Kennel 795 Fallowfield Road Atglen, PA 19310
Type of Facility	PWS
Consulting Engineer	Whitehill Consulting Engineers 763 Conowingo Road Quarryville, PA 17566
Application Received Date	February 25, 2010
Description of Action	An addition of anion exchange nitrate removal to the well supply for the school's water system.

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

**Application No. 4010501**, Public Water Supply.

Applicant	<b>Crystal Penn Ridge, LLC</b> 1247 Sussex Turnpike Randolph, NJ 07869
Township or Borough	Butler, Dennison and Foster Townships <b>Luzerne County</b>
Responsible Official	Philip Rizzo
Type of Facility	Public Water System
Consulting Engineer	Pennoni Associates, Inc. Brian Swanson, P. E. 101 Wyoming Avenue Scranton, PA

Application Received Date 3/1/10  
 Description of Action The use of a permitted source, well 4, with disinfection. The construction of a storage tank, treatment building, transmission line, and distribution system for Crystal Penn Ridge Phase I.

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

**Permit No. 0410501**, Public Water Supply.

Applicant **Sunrise Mobile Court**  
 793 Pine Grove Road  
 Beaver, PA 15009

Township or Borough Greene and Hanover Townships

Responsible Official Ronald A. Bogolea  
 Manager  
 Sunrise Mobile Court  
 793 Pine Grove Road  
 Beaver, PA 15009

Type of Facility Water system

Consulting Engineer Thomas J. Valiknac  
 Consulting Civil Engineer  
 2571 Wexford Bayne Road  
 Sewickley, PA 15143

Application Received Date February 3, 2010

Description of Action Permitting of wells and iron and manganese treatment.

**Permit No. 0210502**, Public Water Supply.

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

Township or Borough City of Pittsburgh

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

Type of Facility Water storage tank

Consulting Engineer

Application Received Date January 12, 2010

Description of Action Installation of a mixing system at the Squirrel Hill water storage tank.

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

**Application No. 4310503**, Public Water Supply.

Applicant **Greystone Country Estates, Inc.**

Township or Borough Delaware Township  
**Mercer County**

Responsible Official James R. Powell, President

Consulting Engineer Ron P. Bittler, P. E.  
 1155 Greenville Road  
 Mercer PA 16137

Application Received Date 01/29/2010

Description of Action Add chlorination to existing drilled well water supply system.

#### MINOR AMENDMENT

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

**Application No. 3480054.**

Applicant **Gap View Community, LLC**

Township or Borough Upper Mt. Bethel Township  
**Northampton County**

Responsible Official Joseph Fontana  
 682 Chestnut Street  
 Secaucus, NJ 07094  
 201-314-8251

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date February 11, 2010

Description of Action Application for transfer of PWS operations permit No. 5278501 from Philip Ahearn to Gap View Community, LLC.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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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)(i) 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:

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

**UGI Montoursville Holder/Regulator Station**, Borough of Montoursville, **Lycoming County**. EPSYS, LLC, on behalf of UGI Utilities, Inc., has submitted a Notice of Intent to Remediate soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard for nonresidential sites. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on February 19, 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.*

**09-0196D: Abington Reldan Metals, LLC** (550 Old Bordertown Road, Fairless Hills, PA 19030) for construction of the metal recovery acid and strip processes, and three (3) units of scrubbers at a new precious metal recovery facility, in Falls Township, **Bucks County**. This facility is a non-Title V facility. This construction will not result in an emission increase of total facility limit for nitrogen oxides (NO<sub>x</sub>) and hazardous air pollutants (HAPs) being emitted into the atmosphere. The Plan Approval will contain monitoring requirements, recordkeeping requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

**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.*

**15-0132B: Cephalon, Inc.** (145 Brandywine Parkway, West Chester, PA 19380) for installation of two (2) 500 KW diesel fuel oil-fired internal combustion engine, emergency electric generator sets in West Goshen Township, **Chester County**. This unit will be used for emergency

power generation and periodic readiness testing only. The primary pollutant of concern is nitrogen oxides (NO<sub>x</sub>). Cephalon is categorized as a Synthetic Minor facility and the proposed operation of this generator will not cause the facility to exceed any major thresholds. 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.

**15-0110A: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335) for replacement of a layer cake oven at their facility in Downingtown Borough, **Chester County**. The proposed layer cake oven has a heat input of 8.84 mmBtu/hour and burns natural gas or propane and replaces an existing layer cake oven with a heat input of 7.92 mmBtu/hour. The proposed project does contain an increase of emissions. The project has the following potential emissions: 5.50 tons nitrogen oxides per year, 3.19 tons carbon monoxide per year, 0.647 ton sulfur dioxides per year, 0.288 ton particulate matter per year and 0.423 ton volatile organic compounds per year. Limits for natural gas and propane usage for the entire facility were placed into this plan approval to maintain compliance with the facility-wide limits for nitrogen oxide and volatile organic compound emissions in the State-only Operating Permit.

**09-0010C: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) for replacement of existing dust collection systems associated with the S-8 Fluid Bed Processor and the LCO Manufacturing Area with cartridge filters and HEPA filters in West Rockhill Township, **Bucks County**. The potential particulate matter emissions from this project were estimated to be 0.03 ton per year on a 12-month rolling sum basis. This is a non-Title V, synthetic minor facility.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Acting Chief, West Permitting Section—Telephone: 814-949-7935.*

**38-05023C: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) for installation of a hot mix asphalt plant in their facility in South Lebanon Township, **Lebanon County**. The facility is presently covered by State-only Permit No. 38-05023. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**19-00003A: Bloomsburg University** (400 East Second Street, Bloomsburg, PA 17815-1301) for construction and operation of a 22.2 million Btu per hour wood fired boiler at their campus heating plant in **Columbia County**. Bloomsburg University also proposes to install and operate two multi-clone collectors to control particulate matter emissions from the proposed wood fired boiler. Upon the construction of the proposed wood fired boiler, two (2) existing 26.4 mmBtu/hr each anthracite coal fired boilers will be retired and removed from the facility. This facility is a Title V Facility.

The Department of Environmental Protection's (Department) review of the information submitted by Bloomsburg University indicates that the proposed wood-fired boiler and associated dual multi-clone collectors will meet all

applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive particulate matter emission limitation of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.11, the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the Federal Standards of Performance for New Stationary Sources 40 CFR Part 60, Subpart Dc 60.40c—60.48c. Based on these findings, the Department intends to approve the application and issue a plan approval for the construction and operation of the sources and air cleaning devices proposed in this application. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 19-00003 by means of an administrative amendment pursuant to 25 Pa. Code § 127.450.

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

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 041 is a 22.2 million Btu per hour AFS Energy Systems model AFS-450-150-WF boiler. The particulate matter emissions shall be controlled by AFS Energy Systems model AFS-20-9CYT and an AFS Energy systems model AFS-44-06YT multi-clone collectors installed and operated in series.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions, including particulate matter less than 10 microns in diameter (PM<sub>10</sub>) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) from control device ID C041 associated with Source ID 041 shall not exceed 0.20 pounds per million Btu of heat input and 19.44 tons in any 12-consecutive month period.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxide and carbon monoxide emissions from Source ID 041 shall not exceed 0.25 lbs/mmBtu and 0.4 lbs/mmBtu respectively. Additionally the nitrogen oxide and carbon monoxide emissions from Source ID 041 shall not exceed 24.31 tons in any 12-consecutive month period and 38.89 tons in any 12-consecutive month period, respectively.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the sulfur oxide and VOC emissions from Source ID 041 shall not exceed 0.025 lbs/mmBtu and 0.02 lbs/mmBtu respectively. Additionally, the sulfur oxide and VOC emissions from Source ID 041 shall not exceed 2.43 tons in any 12-consecutive month period and 1.65 tons in any 12-consecutive month period, respectively.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the visible air contaminants from control device ID C041 associated with Source ID 041 shall not exceed 10% opacity at any time.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the boiler shall be fired on sawdust and "hardwood shavings" consisting of kiln-dried wood only. No coated or treated wood, laminated wood, particleboard, flakeboard or materials other than kiln-dried wood shall be burned in this boiler. During startup, newspaper may be used to aid in the ignition of the boiler.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, each multi-clone collector of ID C041 shall be equipped with instrumentation to measure the pressure drop across the collector on a continuous basis.

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the multi-clone collector ash discharge system shall remain sealed from the open air at all times except when changing flyash disposal drums. Additionally, the level of accumulated ash in the flyash disposal drum shall be checked daily and the drum shall be emptied prior to becoming full.

9. Upon Department request, the permittee shall, provide analyses or samples of the wood burned in Source ID 041.

10. Within 180 days of start-up of Source ID 041, the company shall perform stack tests for particulate, NOx and CO emissions using EPA methods acceptable to the Department while Source ID 041 is operated at its maximum rate to verify compliance with the limits established in the plan approval. Opacity from Source ID 041 shall also be measured by a certified reader during the stack tests.

11. Source ID 041 is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c–60.48c and shall comply with all applicable requirements of this subpart, including monitoring, recordkeeping and reporting.

12. The permittee shall not operate the two existing 26.2 mmBtu/hr anthracite coal fired boilers (Source IDs 031 and 032) once the wood fired boiler (Source ID 041) is constructed and has begun operating. Additionally, within 180 days of operation of Source ID 041, the two existing coal fired boiler shall be permanently removed from the facility.

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

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

**PA-63-00110H: World Kitchen, Inc.** (100 Eighth Street, Charleroi, PA 15022) to allow increased electric boost and rebricking of Tank 11, the generation of 42 tons of NOx Emission Reduction Credits due to the shutdown of Tank 6, and the establishment of reduced emission limits at the Charleroi glass plant in Charleroi, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow increased electric boost and rebricking of Tank 11, the generation of 42 tons of NOx Emission Reduction Credits due to the shutdown of Tank 6, and the establishment of reduced emission limits at the Charleroi glass plant located in Charleroi, Washington County. BAT for the

Tank 11 changes consists of the use of electric boost, the use of oxygen firing, and good maintenance and operating practices.

The proposed authorization is subject to State and Federal regulations. Proposed Plan Approval will include conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

#### 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: Thomas J. Hanlon, Chief East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Acting Chief, West Permitting Section—Telephone: 814-949-7935.*

**36-05117: Dart Container Corp. of PA** (110 Pitney Road, Lancaster, PA 17602) for operation of a cup manufacturing facility in East Lampeter Township, **Lancaster County**. This is a renewal of the facility's Title V Operating Permit issued in 2005.

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

**19-00004: Cheetah Chassis Corp.** (P. O. Box 388, Berwick, PA 18603) for renewal of the Title V Operating Permit for their facility in Berwick Borough, **Columbia County**. The facility's sources include sixteen natural gas-fired space heaters less than 2.5 million Btu per hour, two natural gas-fired space heaters less than 5.0 million Btu per hour, two chassis painting lines, equipment cleanup activities, two curing ovens, spray guns washer, two shot blast booths and miscellaneous sources determined to be of minor significance. The facility has the potential to emit volatile organic compounds (VOCs) and volatile hazardous air pollutants (VHAPs) above their respective major emission thresholds. The potential emissions for nitrogen oxides (NOx), carbon monoxide (CO), particulate matter (PM/PM10), and sulfur oxides (SOx) are below their respective major emission thresholds. The two painting lines are subject to Subpart MMMM of the Federal National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR 63.3880–63.3981. The proposed Title V operating permit renewal contains all



applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**04-000471: Marathon Petroleum Co., LLC** (539 South Main Street, Findlay, OH 45480) for operation of a bulk petroleum storage terminal at Midland Terminal in Industry Borough, **Beaver County**. This is a Title V Renewal.

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

**14-00009: Mount Nittany Medical Center** (1800 East Park Avenue, State College, PA 16803) for their general medical and surgical hospital facility in College Township, **Centre County**. The facility's main sources include three (3) natural gas/No. 2 fuel oil fired boilers, one (1) natural gas fired boiler, two (2) natural gas fired emergency generators, and seven (7) No. 2 fuel oil fired emergency generators. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter (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.

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

**16-00043: JM Smucker of PA Inc.—New Bethlehem Facility** (300 Keck Avenue, New Bethlehem, PA 16242-1151) for issuance of a Natural Minor Operating Permit to operate a facility manufacturing a variety of peanut butter products in New Bethlehem Borough, **Clarion County**. The facility's primary emission sources include peanut processing, peanut roasting, nut skin transfer and miscellaneous natural gas combustion.

**PLAN APPROVALS**

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

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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.*

**PA48-317-023: ConAgra Food Ingredients Co.** (4888 South Delaware Drive, P. O. Box 193, Martins Creek, PA 18063) for installation of four (4) new baghouses to control particulate emissions from Bulk Flour Loadout Operations at their facility in Lower Mt. Bethel Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to ConAgra Food Ingredients Company (4888 South Delaware Drive, P. O. Box 193, Martins Creek, PA 18063) for their facility located in Lower Mt. Bethel Township, Northampton County. This Plan Approval No. 48-317-023 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-317-023 is for the installation of four new baghouses to control particulate emissions from Bulk Flour Loadout Operations. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 48-317-023.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone No. 570-826-2511 within 30 days after publication date.

**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:

Table 1

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.*

**02733702 and NPDES Permit #PA0023370, Consolidation Coal Company** (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to renew the permit for the Renton Refuse Area in Plum Borough, **Allegheny County** and related NPDES permit. No additional discharges. Application received: November 5, 2009.

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

**56940106 and NPDES No. PA0212903. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 77.4 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 17, 2010.

**56890115 and NPDES No. PA0598666. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 299.2 acres. Receiving stream(s): unnamed tributaries to/and Blue Lick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 5, 2010.

**56970105 and NPDES No. PA0234630. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Paint Township, **Somerset County**, affecting 171 acres. Receiving stream(s): unnamed tributary to/and Stonycreek River classified for the following use(s): cold water fishery and trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 18, 2010.

**32040202 and NPDES No. PA0249670. Robindale Energy Services, Inc.**, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface CFBC Ash Beneficial Use and coal refuse reprocessing mine in East Wheatfield Township, **Indiana County**, affecting 34.5 acres. Receiving stream(s): Conemaugh River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 19, 2010.

**07850103 and NPDES No. PA0597091. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Logan Township, **Blair County**, affecting 114.0 acres. Receiving stream(s): unnamed tributary to/and Kittanning Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is

Altoona City Authority—Blair County PWS and Crystal Pine Bottled Water—Michael Washko. Application received: February 17, 2010.

**11773037 and NPDES No. PA0069159. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving stream(s): unnamed tributaries to/and Little Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 17, 2010.

**56040105 and NPDES No. PA0249602. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint and Shade Townships, **Somerset County**, affecting 150.1 acres. Receiving stream(s): unnamed tributary to/and Shade Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received: February 23, 2010.

**56950101 and NPDES No. PA0213012. Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 106.5 acres. Receiving stream(s): unnamed tributaries to/and Piney Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 24, 2010.

**56000102 and NPDES No. PA0235237. Action Mining, Inc.**, 117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 197.6 acres. Receiving stream(s): unnamed tributaries to/and Piney Run, tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 24, 2010.

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

**65000101 and NPDES Permit No. PA0202827. Coal Loaders, Inc.** (210 East Main Street, P. O. Box 556, Ligonier, PA 15658). Renewal application for reclamation only of a bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 25 acres. Receiving streams: two unnamed tributaries to Hypocrite Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 18, 2010.

**65990101 and NPDES Permit No. PA0202428. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Renewal application for continued mining to an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 19 acres. Receiving stream: unnamed tributary to Youghiogheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 18, 2010.

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

**17940107 and NPDES No. PA0219801. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847) Permit renewal for the continued operation and restoration of a bituminous surface mine located in Karthaus Township, **Clearfield County** affecting 440.0 acres. Receiving streams: unnamed tributaries to Saltlick and Upper Three Runs and Upper Three Runs classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 5, 2010.

**17990112 and NPDES No. PA0238350. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Permit renewal for the continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 128.0 acres. Receiving streams: Banian

Run (Cold Water Fishery), to Clearfield Creek (Warm Water Fishery) to the West Branch of the Susquehanna River (Warm Water Fishery). There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2010.

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

**54813224R5. Fox Coal Co., Inc.** (212 West Cherry Street, Mt. Carmel, PA 17851), renewal for reclamation activities only of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 9.6 acres, receiving stream: none. Application received: February 22, 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.

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

**3374SM58 and NPDES Permit No. PA0591588. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401) NPDES renewal application for continued mining of a large noncoal surface mine, located in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving streams: unnamed tributary to Coolspring Run and Coolspring Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 18, 2010.

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

**8073SM4A2C9 and NPDES Permit No. PS0594849. Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Pottsgrove Township, **Montgomery County**, receiving stream: Sanatoga Creek, classified for the following use: warm water fishery. Application received: February 18, 2010.

**09870301C16. Warner Company** (1000 New Ford Mill Road, Morrisville, PA 19067), correction to an existing quarry operation to add clean fill for backfilling purposes in Falls Township, **Bucks County** affecting 501.1 acres, receiving stream: Van Sciver Lake. Application received: February 18, 2010.

**7775SM12C6 and NPDES Permit No. PA0223573. Highway Materials, Inc.** (1750 Walton Road, Blue Bell,

PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Alsace Township, **Berks County**, receiving stream: unnamed tributary to Laurel Run, classified for the following use: warm water fishes. Application received: February 19, 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.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1051. Upper Gwynedd Township**, P. O. Box 1, Parkside Place, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To relocate, enclose, and maintain approximately 400 linear feet of a channel which discharges to an unnamed tributary to the Wissahickon Creek (TSF) associated with stormwater management facility modifications for the Prospect Meadow Homes project. The proposed enclosure will have an 8-foot span and 2.5-foot rise. The proposed detention basin and its associated jurisdictional dam will be reviewed and approved under Dam Permit No. D46-349 by Central Office.

The site is located approximately 500 feet southwest of the intersection of Hancock Road and Prospect Avenue (Lansdale, PA USGS Quadrangle N: 16.6 inches; W: 1.9 inches).

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

**E39-503. Slatington Borough**, 125 South Walnut Street, Slatington, PA 18080, in Slatington Borough, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain two concrete encased 16-inch waterlines and the abandonment of an 8-inch and 10-inch water line in place in Trout Creek (CWF). The project is located approximately 0.05 mile east of the intersection of Welschtown and Scouthouse Road (Palmerton, PA Quadrangle Latitude: 40° 45' 16"; Longitude: -75° 36' 43").

**E52-219. Thomas and Jennifer Charette**, P. O. Box 346, Matamoras, PA 18336, in Westfall Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To maintain an after-the-fact driveway crossings of 0.11 acre of PFO wetlands for the purpose of access to a residential home. The project is located on 0.60 mile east of Delaware Drive approximately 1.30 miles from it's intersection with U.S. Route 0006 (Port Jervis North, PA Quadrangle Latitude: 41° 23' 03"; Longitude: -74° 43' 19").

**E45-552. Pocono Township Supervisors**, P. O. Box 197, Tannersville, PA 18372, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stormwater outfall structure consisting of a Type M inlet, a 15-inch diameter, 15-LF SLCPP outlet pipe, a concrete headwall, and a 6-foot long, 6-foot wide, 8-inch thick R-3 rip-rap apron within the floodway of an Unnamed Tributary to Pocono Creek (HQ-CWF) for the purpose of flooding reduction along Alger Avenue. The project is located on the west side of Alger Avenue, approximately 0.4 mile southeast of the intersection of I-80 and SR 715 (Mt. Pocono, PA Quadrangle Latitude: 41° 2' 13"; Longitude: -75° 18' 25").

**EA54-020 NE: Schuylkill Headwaters Association, Inc.**, P. O. Box 1385, Pottsville, PA 17901, Cass Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing 300 foot wooden flume from within Wheeler Run and to restore 300 feet of the Wheeler Run stream channel and floodway which will reduce infiltration into the Pine Knot mine pool. The project is located approximately 200 feet of the intersection of Wheeler Run and LR 4002 in Cass Township (Minersville, PA Quadrangle Latitude: 40° 43' 24"; Longitude: -76° 15' 2.5").

**EA-35-004NE. City of Scranton**, 340 North Washington Avenue, Scranton, PA 18503, City of Scranton, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To restore and maintain approximately 250 linear feet of Lindy Creek (CWF, MF) through stream channel and stream bank grading, sediment removal and stream bank stabilization. The project is located just upstream of Crisp Avenue (Scranton, PA Quadrangle Latitude: 41° 25' 22"; Longitude: -75° 42' 21").

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

**E01-291: Realty Leasing & Management Company**, 1270 Fairfield Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**, ACOE Baltimore District

The applicant proposes to place and maintain fill in two palustrine emergent (PEM) wetlands totaling 0.03 acre and two intermittent unnamed tributaries to Willoughby Run (WWF), totaling 515.0 linear feet, for the purpose of constructing a housing development. The project is located west of the Borough of Gettysburg on Deatrick Drive (Fairfield, PA Quadrangle N: 13.47 inches; W: 0.82 inch, Latitude: 39° 49' 27"; Longitude: -77° 15' 21") in Cumberland Township, Adams County. The permittee is proposing to provide a minimum of 0.04 acre of replacement wetlands onsite.

**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.

**E22-557: Old Reliance Partnership, Ronald Burkholder**, 1403 Farmhouse Lane, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To relocate and maintain 215.0 feet of an unnamed tributary to Swatara Creek (WWF) impacting 0.049 acre of PEM wetlands. The relocation will include the construction and maintenance of 100.0 feet of 0.50-foot depressed, 42.0-inch CMP culvert pipe, and 140.0 feet of open channel, for the purpose of creating a residential subdivision (Steelton, PA Quadrangle N: 22.0 inches; W: 1.5 inches, Latitude: 40° 14' 43"; Longitude: 76° 45' 34") located on the south side of Longview Drive, at the intersection of Longview Drive and Strites Road, in Lower Swatara Township, Dauphin County.

**E38-166: Alden Place, Louie Hurst, Principal, Cornwall Associates, LP**, 530 West Trout Road, Ephrata, PA 17522, West Cornwall Township and Cornwall Borough, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: 1) a 96.0-foot long, 1.0-foot depressed with fish baffles, 5.0-foot by 8.0-foot concrete box culvert with a depressed rip rap apron extending 39.0 feet downstream, and an 8.0-inch diameter DICL waterline and 8.0-inch diameter PVC sanitary sewer line utility crossing in and across an unnamed tributary to Snitz Creek (TSF, MF) permanently impacting 0.096 acre of PEM/SS/FO wetlands; 2) a 90.0-foot long, 0.50-foot depressed, 24.0-inch by 38.0-inch RCP culvert pipe with depressed rip rap aprons extending 25.0 feet upstream and 16.0 feet downstream, and an 8.0-inch diameter DICL waterline and 8.0-inch diameter PVC sanitary sewer line in and across an unnamed tributary to Snitz Creek (TSF, MF) permanently impacting 0.079 acre PEM/SS/FO wetlands; 3) an 8.0-inch diameter DICL waterline in an unnamed tributary to Snitz Creek (TSF, MF) temporarily impacting 0.023 acre of PEM/SS wetland; 4) a 126.0-foot long, 0.50-foot depressed, 36.0-inch diameter RCP culvert pipe with a depressed rip rap apron extending 16.0 feet downstream, and an 8.0-inch diameter DICL waterline in and across an unnamed tributary to Snitz Creek (TSF, MF) impacting 0.031 acre PSS/FO wetlands, all for the purpose of expanding travel corridors throughout a residential subdivision at a point just south of the intersection between Alden Lane and Route 419 (Lebanon, PA Quadrangle 4.1 inches North; 8.2 inches West, Latitude: 40° 16' 22" N; Longitude: 76° 25' 59" W) in West Cornwall Township and Cornwall Borough, Lebanon County. To compensate for wetland impacts, the applicant shall provide a minimum of 1.3 acres of PEM/PSS/PFO replacement wetlands onsite.

**E22-559: Bridge Construction Project, State Game Lands 211, Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110, Rush Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 14.0-foot wide single-span bridge having a normal span of 48.0 feet and an underclearance of 6.0 feet, across Clarks Creek (HQ-WWF) for the purpose of providing access for timber harvest and food plot management activities. The project is located on State Game Lands No. 211 (Tower City, PA Quadrangle N: 3.0"; W: 17.2", Latitude: 40° 30' 59"; Longitude: 76° 37' 26") in Rush Township, Dauphin County.

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

**E60-205. Randy L. Rider, Sr.**, 2433 White Deer Pike, New Columbia, PA 17856-9254. Rider's Wetland Crossing, in White Deer Township, **Union County**, ACOE Baltimore District (Allenwood, PA Quadrangle N: 41° 2' 31"; W: -76° 55' 32.8").

To construct and maintain: 1) a 14-foot wide earthen driveway across 80 linear feet of wetland; and 2) a 6-foot long 15-inch diameter metal pipe located next to the Township road. This project proposes to permanently impact 0.025 acre of wetland to access a timber plot and future home site.

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

**E02-1627. Wilkins Township**, 110 Peffer Road, Turtle Creek, PA 15145.

To repair and maintain the existing wall along Sawmill Run in Wilkins Township, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 6.6 inches; W: 11.4 inches, Latitude: 40° 24' 41"; Longitude: 79° 49' 55"). The applicant proposes to repair, operate and maintain the existing jumbo block wall along the left bank of Sawmill Run which flows into Thompson Run (WWF). The project will consist of replacing an existing railroad tie wall with gabion baskets on the existing foundation for a distance of approximately 19.0 feet, placing and maintaining fill on the left bank of said stream behind the existing wall for a distance of 15.0 linear feet and filling in an existing pool in the channel of said stream with concrete jumbo block for a distance of approximately 37.5 feet. The project is located on the west side of Wilbur Avenue, approximately 300.0 feet southwest from the intersection of Wilbur and Brown Avenues and will impact approximately 72.0 linear feet of stream channel.

**E30-230. United Mine Worker's Association**, 197 Dunn Station Road, Prosperity, PA 15329. To construct wood pedestrian bridge in Washington Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle N: 15.75 inches; W: 8.15 inches, Latitude: 39° 57' 41"; Longitude: 80° 10' 59"). To construct and maintain a wooden pedestrian bridge having a span of 12 feet and an underclearance of 5 feet across an unnamed tributary to Ruff Creek (WWF).

**E63-622. Department of Transportation, District 12-0**, North Gallatin Avenue Ext., Uniontown, PA 15401. To construct and maintain box culvert, stream restoration and redecking bridge in Chartiers and South Strabane Townships, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle N: 15.5 inches; W: 14.9 inches, Latitude: 40° 12' 41"; Longitude: 80° 13' 39"; extending northeast to N: 17.2 inches; W: 12.8 inches, Latitude: 40° 13' 01"; Longitude: 80° 13' 02").

To construct and maintain:

1. a 20 ft. wide by 6 ft high, 70 ft. long box culvert depressed 1 ft. in an unnamed tributary to Chartiers Creek (WWF) to replace and remove the existing 14 ft. wide, 22.5 ft. long SR 1047, Manifold Road Bridge;

2. an 885 ft. relocation of an unnamed tributary to Chartiers Creek for an approach road improvement; a portion of stream relocation (135 ft.) is associated with the replacement of the bridge that carries Manifold Road and the remainder of the stream relocation (750 ft.) is located just downstream of Manifold Road.

3. 1,100 ft. of stream restoration, and repair of the existing 14 foot diameter SR 79 CMP culvert connecting

the unnamed tributary to Chartiers Creek to restore base flow connection of the unnamed tributary to Chartiers Creek. Currently base flow is diverted to an abandoned mine pool believed to be connected to mine voids;

4. fill in 1.9 acres of Chartiers Creek floodplain for the reconstructed SR 79 approach roads;
5. fill in 0.03 acre of the abandoned mine pool for an approach road improvement;
6. redecking of the SR 1009 Bridge over Chartiers Creek (WWF); and
7. fill in 0.10 acre of PEM wetland.

In addition associated temporary crossings, stream diversions, and stormwater outfalls for the purpose of improving the SR 79, SR 1047 (Manifold Road), SR 1009 (Pike Street) intersection and approach roads known as the Meadowlands Interchange. Stream mitigation is intended to be provided onsite. Wetland Mitigation Plans are to be developed. The project is located north of Washington, PA.

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

**E33-239, Open Flow Gas Supply Corporation**, 90 Beaver Drive, Suite 110 B, P. O. Drawer J, DuBois, PA 15801-0297. Beaver Meadow Run-Gas Pipeline Crossing,

in Warsaw Township, **Jefferson County**, ACOE Pittsburgh District (Hazen, PA Quadrangle N: 41° 14' 52.17"; W: 78° 54' 22.47").

As part of the installation of an approximately 11,000 feet long natural gas gathering pipeline the applicant proposes to construct and maintain a 6-inch diameter natural gas pipeline and a 20-inch diameter bore sleeve crossing of Beaver Meadow Run in Warsaw Township, Jefferson County. The proposed pipeline crossing will be bored approximately 250 lineal feet with approximately 20 lineal feet being bored a minimum of 3 feet below the bottom of Beaver Meadow Run. Beaver Meadow Run is a perennial stream classified as exceptional value.

#### DAM SAFETY

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

**D06-468EA. Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building**, 100 Penn Square East, Philadelphia, PA 19107-3390. Project proposes to repair concrete deterioration on the walls and floor of the stilling basin of the Blue Marsh Reservoir Dam located across Tulpehocken Creek (CWF) in Lower Heidelberg and Bern Townships, **Berks County** (Honesdale, PA Quadrangle Latitude: 40° 22' 45"; Longitude: -76° 01' 52").

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## ACTIONS

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

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

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

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

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

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

practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060411 (Sewage)	Little Washington Wastewater Company (Thornhurst WWTF) 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Lackawanna County Thornhurst Township	Pond Creek 2-A	Y
PA0063967 (Industrial Waste)	Dupont Terminals Corporation Dupont East Petroleum Storage Terminal Suscon Road P. O. Box 2621 Harrisburg, PA 17105	Luzerne County Pittston Township	Collins Creek 5-A	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>
PA0081574 (Sew)	Salisbury Township—Gap STP 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster County Salisbury Township	Pequea Creek 7-K	Y
PA0082953 (IW)	Mr. Walter Diller Boyd E. Diller, Inc.— Transfer Station 6820 Wertzville Road Enola, PA 17025-1032	Cumberland County Hampden Township	Sears Run 7-B	Y
PA0087611 (Sew)	Richfield Area Joint Authority 186 Seven Stars Road Richfield, PA 17086	Juniata County Monroe Township	West Branch Mahantango Creek 6-C	Y
PA0022543 (Sew)	Borough of Bally 425 Chestnut Street P. O. Box 217 Bally, PA 19503-0217	Berks County Washington Township	West Branch Perkiomen Creek 3-E	Y
PA0020621 (Sew)	Borough of Waynesboro 57 East Main Street P. O. Box 310 Waynesboro, PA 17268	Franklin County Waynesboro Borough	UNT to East Branch Antietam Creek 13-C	Y
PA0081655 (IW)	Philadelphia Mixing Solutions, Ltd. 1221 East Main Street Palmyra, PA 17078	Lebanon County Palmyra Borough	Killinger Cree 7-D	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>
PA0028100	Turbotville Borough WWTP P. O. Box 264 Turbotville, PA 17772-9999	Turbotville Borough Northumberland County	Unnamed Tributary To Warrior Run SWP 10D	Y



<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>
PA0209694 (Sewage) Non-Municipal	Sherwood Retirement and Personal Care Home R. R. 1 Box 1180 Canton, PA 17724	Bradford County Canton Township	Alba Creek SWP 4C	Y
PA0228168	SFTF serving Glantz Residence 802 Meeks Lane Port Matilda, PA 16870	Patton Township Centre County	Unnamed Tributary to Buffalo Run 9C	Y
PA0100161	Triangle Suspension Systems, Inc. 200 East Maloney Road DuBois, PA 15801	Sandy Township Clearfield County	Pentz Run 17C	Y

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

<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>
PA0096105 Sewage	Aleppo Township Authority 100 North Drive Suite 2 Sewickley, PA 15143	Allegheny County Aleppo Township	UNT of Ohio River	Y
PA0204048 Sewage	Conemaugh Township Municipal Water and Sewer Authority 16980 Route 286 Highway West Saltsburg, PA 15681-8023	Indiana County Conemaugh Township	Conemaugh River	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>
PA0037923	North East Borough 31 West Main Street North East, PA 16428	Erie County North East Township	Sixteen Mile Creek 15	Y
PA0033821	Pymatuning Ecology Lab 11758 Fries Road Linesville, PA 16424	Crawford County North Shenango Township	Pymatuning Reservoir (Shenango River) 20-A	Y

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

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

**NPDES Permit No. PA00834328, Amendment No. 1**, Sewage, **Gary Bartkowski**, Magnesita Refractories, 320 North Baker Road, York, PA 17408. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Transfer of permit with authorization to discharge to UNT Honey Run in Watershed 7F.

**NPDES Permit No. PA0020885, Amendment No. 2**, Sewage, **Mechanicsburg Borough**, 36 West Allen Street, Mechanicsburg, PA 17055. This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 7B.

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

**NPDES Permit No. PA0024741**, Sewage, **Municipal Authority of the Township of Sheffield**, 20 Leather Street, Sheffield, PA 16347. This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a new permit for an existing NPDES Permit to discharge treated sewage, and the future expansion and upgrade of the sewage treatment plant.

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

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

**WQM Permit No. 3609404**, Sewage, **Charles Patterson, Sparrow Investments**, 354 Springville Road, New Holland, PA 17557. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: a 5,000-gallon aerated equalization tank, two, 3,000-gpd Cromoglass units, a two-inch disc filtration unit, a flow meter, a 900-gallon backwash tank, and a 1,300 gallon sludge processing tank at the Country Haven Campground.

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

**WQM Permit No. WQG016177**, Sewerage, **Jamie Gaus**, 137 Mt. Vernon Road, Pittsburgh, PA 15229. This proposed facility is located in Jefferson Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508051	Hellings Properties, Inc. 613 Foothill Drive West Chester, PA 19382	Chester	East Whiteland Township	Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026409008	U.S. Army Corps of Engineers Philadelphia District 100 Penn Square East Wanamaker Building Philadelphia, PA 19107-3390	Wayne	Prompton Borough	West Branch Lackawaxen River HQ-TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061003003R	Sarver Square Associates, Inc. Village at Sarvers Mill 70 Churchill Road Pittsburgh, PA 15235-5153	Butler	Buffalo Township	Little Buffalo Creek HQ-TSF

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

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

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

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

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Thornbury Township Delaware County	PAG0200 2309019	Glen Mill School P. O. Box 5001 Concordville, PA 19331	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG200 4608125	Greater Philadelphia Irish American Co. 2740 Butler Pike Plymouth Meeting, PA 19463	Possum hollow Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Salford Township Montgomery County	PAG0200 4609113	Tuan Nguyen 208 South Allentown Road Telford, PA 18969	Unnamed Tributary East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bryn Athyn Borough Montgomery County	PAG0200 4609091	Academy of the New Church P. O. Box 711 Bryn Athyn, PA 19009	Huntingdon Valley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 4609025-1	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Schuylkill River Plymouth Creek Gulph Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511002	Philadelphia Renewable Bio-Fuels P. O. Box 5386 Philadelphia, PA 19153	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511004	Insulators Union Local No. 14 6513 Bustleton Avenue Philadelphia, PA 19149	Unnamed Tributary Byberry Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Swatara Township Dauphin County	PAG2002204064-R	FWK, LLC 813R East Chocolate Avenue Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Susquehanna Township Dauphin County	PAG2002210001	Pamela Winters Susquehanna Township 1900 Linglestown Road Harrisburg, PA 17110	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
South Lebanon Township Lebanon County	PAG2003809002	William Smeltzer 120 Troutman Drive Myerstown, PA 17067	Quittapahilla and Snitz Creeks TSF-MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908, Ext. 4
Spring Township Berks County	PAG2000609056	John J. Zaharchuk Pennsylvania CVS Pharmacy c/o Summit Realty Advisors 8 Devonshires Court Blue Bell, PA 19422	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201

<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>
Caernarvon Township Berks County	PAG2000605067	Mike Kimble The Hankin Group 701 Eagleview Boulevard Exton, PA 19341	Conestoga Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Spring Township Berks County	PAG2000610001	Jay W. Vaughan Township of Spring 2850 Windmill Road Reading, PA 19608	Cacoosing Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
City of Reading Berks County	PAG2000610011	Thomas McKeon Berks County Industrial Development Authority Berks County Services Center 14th Floor 633 Court Street Reading, PA 19610-0307	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Carroll Township Perry County	PAG2035010003	Bruce Reeher 115 Brook Lane Marysville, PA 17053	Shermans Creek WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 717-582-5119
Conewago Township Adams County	PAG2000109003	Joseph A. Myers Joseph A. Myers Building & Development 160 Ram Drive Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Conewago Township Adams County	PAG2000109017	Christine Smith Conewago Resources P. O. Box 407 660 Edgegrove Road Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
College Township Centre County	PAG2001410002	Heidi Nicholas NPK Southridge Associates, LP 210 West Hamilton Avenue State College, PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Penn Township Centre County	PAG2001410004	Robert Pacella Penns Valley School District 4528 Penns Valley Road Spring Mills, PA 16875	UNT to Penns Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Decatur Township Clearfield County	PAG2001709014	Carl Wright Wright Philipsburg II, LP P. O. Box 1908 Media, PA 19063-1908	Moshannon Creek CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

<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>
Benton Township Columbia County	PAG2001909011	Rick Iddings Innovative Building & Design, Inc. 406 Shickshinny Road Benton, PA 17814	West Creek CWF-MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Greene County Monongahela Township	PAG02003010001	Department of Transportation 825 N. Gallatin Avenue Uniontown, PA 15301	Upper Monongahela River WWF	Greene County Conservation District 19 South Washington Street Waynesburg, PA 15370 724-852-5278
Greene County Waynesburg Borough	PAG02003010002	Waynesburg University 51 West College Street Waynesburg, PA 15370	South Fork Tenmile Creek WWF	Greene County Conservation District 19 South Washington Street Waynesburg, PA 15370 724-852-5278
Greene County Perry Township	PAG02003010003	Kirby Developments 70 Gum Springs Road Morgantown, WV 26508	Dunkard Creek WWF	Greene County Conservation District 19 South Washington Street Waynesburg, PA 15370 724-852-5278
Indiana County White Township	PAG02003210002	Dale Pears Cedar Townfair, LLC 307 Trindle Road Camp Hill, PA 17011	Mccarthy Run CWF	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701-3571 724-471-4751
Washington County Donora Borough	PAG2006310006	Donora Borough 603 Meldon Avenue Donora, PA 15033	UNT to Monongahela River WWF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774
Erie County Millcreek Township	PAG02002509012	Millcreek Town Center Millcreek Town Center Limited Partnership Attn: Louis C. Masiello 1330 Boylston Street Suite 212 Chestnut Hill, MA 02467	Wilkins Run CWF	Erie County Conservation District 814-825-6403

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County Allegheny Township	PAR803679	Altoona Terminal Corporation— Altoona Bulk Petro Storage Terminal P. O. Box 2621 Harrisburg, PA 17105	Beaverdam Branch, Juniata River TSF 11-A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Elizabethtown Borough	PAR123508	Mars Snackfood 295 Brown Street Elizabethtown, PA 17022-2192	Conoy Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County Allegheny Township	PAR803678	Sunoco Partners Marketing & Terminals, LP 620 Sugar Run Road Altoona, PA 16601	Sugar Run CWF Burgoon Run TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:  
Municipality &  
County*Snyder County  
Middle Creek  
Township*Permit No.*

PAR224852

*Applicant Name &  
Address*Apex Homes, Inc.  
241 US Highway  
522 N  
Middleburg, PA 17842*Receiving  
Water / Use*UNT to Middle Creek  
CWF*Contact Office &  
Phone No.*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*Jefferson Township  
Washington County*Permit No.*

PAG046410

*Applicant Name &  
Address*Jamie Gaus  
137 Mt. Vernon Road  
Pittsburgh, PA 15229*Receiving  
Water / Use*

UNT of Harmon Creek

*Contact Office &  
Phone No.*Southwest Regional  
Office: Water  
Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG-5**Facility Location:  
Municipality &  
County*Donegal Borough  
Westmoreland  
County*Permit No.*

PAG056244

*Applicant Name &  
Address*Mon Valley Petroleum  
5515 West  
Smithfield Street  
McKeesport, PA 15135*Receiving  
Water / Use*

Champion Creek

*Contact Office &  
Phone No.*Southwest Regional  
Office: Water  
Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745 (412)  
442-4000*General Permit Type—PAG-7**Facility Location:  
Municipality &  
County*East Drumore  
Township  
Lancaster County*Permit No.*PAG070003  
PAG070005  
PAG073508*Applicant Name &  
Address*Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Site Name &  
Location*John Groff Farm East  
Drumore Township  
Lancaster County*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Beale and Spruce  
Hill Townships  
Juniata County*Permit No.*  
PAG070003  
PAG070005  
PAG083508*Applicant Name &  
Address*  
Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Site Name &  
Location*  
Earl Telfer Farm  
Beale and Spruce  
Hill Townships  
Juniata County*Contact Office &  
Phone No.*  
DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*East Drumore  
Township  
Lancaster County*Permit No.*PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018*Applicant Name &  
Address*Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Site Name &  
Location*John Groff Farm East  
Drumore Township  
Lancaster County*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

NOTICES

1441

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG089903  
PAG089904  
PAG089905  
PABIG9903  
WMGR099

Beale and Spruce  
Creek Townships  
Juniata County

PAG080002  
PAG080003  
PAG080004  
PAG080005  
PAG080006  
PAG080008  
PAG080018  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
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PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG089903  
PAG089904  
PAG089905  
PABIG9903  
WMGR099

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

Earl Telfer Farm  
Beale and Spruce  
Townships  
Juniata County

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

*General Permit Type—PAG-10*

*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>
Springdale Borough Allegheny County	PAG106122	Orion Power MidWest, LP 121 Champion Way Suite 200 Canonsburg, PA 15317	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Springdale Borough Allegheny County	PAG106114	Orion Power MidWest, LP 121 Champion Way Suite 200 Canonsburg, PA 15317	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12*

*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>
Middle Creek Township Snyder County	PAG124836 (Revised) Formerly Noticed as Permit No. PAG124835	Rowe Family Farm Co. c/o David Rowe 216 Pawling Station Road Selinsgrove, PA 17870	Middle Creek #6A TSF—Trout Stocking	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3667

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
James Hershey 338 Sunnyburn Road Elizabethtown, PA 17022	Lancaster	530	665.75	Hogs Broilers	NA	Renewal



<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>
Lime Valley Farms, Inc. Steve Good 1415 Lime Valley Road Lancaster, PA 17602	Lancaster	140	501.08	Broiler Dairy	NA	Renewal
Robert L. Brubaker, Jr. 2871 North Colebrook Road Manheim, PA 17545	Lancaster	38.5	386.41	Swine Pullet	NA	Renewal
Glenn and Joel Martin 2077 Mountain Road Manheim, PA 17545	Lancaster	212.1	64.08	Ducks	NA	New

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Don Cotner Farms 127 Rushtown Road Danville, PA 17821	Northumberland	1,168	1.85	Layers	NA	Approved

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Operations Permit #1510503** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) West Whiteland Township, **Chester County** on January 28, 2010 for the operation of Facilities approved under construction permit #1509503 for operation of the MIOX System at Shoen Road Well Station.

**Operations Permit #1510504** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Tredyffrin Township **Chester County** January 28, 2010 for the operation of Facilities approved under construction permit #1509505 for the operation of the MIOX System at Tredyffrin Well Station.

**Operations Permit #2310503** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Marple Township **Delaware County** January 28, 2010 for the operation of Facilities approved under construction permit #2309504 for the operation of the MIOX System at Newtown Tank and Booster Station.

**Operations Permit #2310504** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Newtown Township, **Delaware County** on January 28, 2010 for the operation of Facilities approved under construction permit #2309503 for MIOX System at Mitchell Road Well Station.

**Operations Permit #4610502** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Upper Merion Township, **Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609510 for the MIOX System at Babbs Well Station.

**Operations Permit #4610503** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Upper Merion Township, **Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609502 for the MIOX System at Upper Merion Well.

**Operations Permit #4610504** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Upper Merion Township,

**Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609509 for MIOX System at Cabot Well Station.

**Operations Permit #4610505** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Abington Township, **Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609511 for the ChlorTec OSGH System at Hall Road Well Station.

**Operations Permit #4610506** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Springfield Township, **Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609512 for the MIOX System at Oreland Well Station.

**Operations Permit #4610507** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Springfield Township, **Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609508 for MIOX System at Flourtown Well Station.

**Operations Permit #4610508** issued **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. (PWSID #1460073) Abington Township, **Montgomery County** on January 28, 2010 for the operation of Facilities approved under construction permit #4609507 for the MIOX System at Moreland Tank and Booster Station.

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

**Permit No. M.A. (7346)—Operation, Public Water Supply.**

Applicant	<b>Pike Township Municipal Authority</b>
Township or Borough	Curwensville Borough
County	<b>Clearfield</b>
Responsible Official	F. Michael Smeal Manager Pike Township Municipal Authority P. O. Box 27 Curwensville, PA 16833
Type of Facility	Public Water Supply—Operation
Consulting Engineer	John Mazich, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued Date	February 24, 2010
Description of Action	Operation of the recently constructed 1,003,000 gallon glass-coated, bolted-steel finished water storage tank.

**Permit No. 1709506—Construction and Operation, Public Water Supply.**

Applicant	<b>Clearfield Municipal Authority</b>
Township or Borough	Lawrence Township
County	<b>Clearfield</b>

Responsible Official	Jeffrey Williams, Manager Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830
Type of Facility	Public Water Supply— Construction and Operation
Consulting Engineer	Mark Glenn, P. E. Gwin, Dobson and Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Permit Issued Date	March 1, 2010
Description of Action	Construction and operation of a hydrofluosilicic acid (fluoride) chemical feed system and a Trojan Technologies, Inc., model Swift SC D12, ultraviolet disinfection system at the Moose Creek Filtration Plant.

**Permit No. 1409503—Construction and Operation, Public Water Supply.**

Applicant	<b>Miles Township Water Authority East</b>
Township or Borough	Miles Township
County	<b>Centre</b>
Responsible Official	Philip Meyer, Chairperson Miles Township Water Authority East P. O. Box 157 Rebersburg, PA 16872
Type of Facility	Public Water Supply— Construction and Operation
Consulting Engineer	David Swisher, P. E. Herbert, Rowland & Grubic, Inc. 474 Windmere Drive State College, PA 16801
Permit Issued Date	March 1, 2010
Description of Action	Construction and operation of Spring #1

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

**Permit No. 2009501, Public Water Supply.**

Applicant	<b>Raymond Drive Water Company</b>
Township or Borough	West Mead Township
County	<b>Crawford County</b>
Type of Facility	Public Water Supply
Consulting Engineer	John C. Galbo, P. E.
Permit to Construct Issued	03/01/2010

**Operations Permit** issued to **Liberty Township, PWSID No. 6430079, Liberty Township, Mercer County, March 2, 2010, Permit No. 4309502,** for the operation of the main line extension and distribution system servicing a development known as the Legends at Grove City Housing Development, LLC. This operations permit is issued as a combined construction and operation permit.

Cancellation of Construction and/or Operation Permit(s) issued to Georgetown Heights Subdivision Association, Inc., PWSID No. 6250072, McKean Township, Erie

County, on February 24, 2010. Permit No. 2587501, for the operation of the main supply, treatment, disinfection and distribution system, issued 03/01/1988 and Permit No. 2505504, for replacement of treatment, issued 05/15/2006. This action is at the request of the Subdivision, as they now receive all water from the Erie Water Works through Phase 1 of the McKean Township Water Project, (Permit No. 2594501-MA10), and closed down their water system October 14, 2008.

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Plan Location:* Located at 345 Old Mill Road, Carlisle in Lower Frankford Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Frankford Township	1205 Easy Road Carlisle, PA 17013	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Lower Frankford Township, Cumberland County. The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve the existing Joe and Nancy Horn dwelling at 345 Old Mill Road, Carlisle, PA. The proposed SFTF is to repair a malfunctioning on-lot sewage system with a treated discharge of 400 gallons per day to an unnamed tributary of Locust Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:* Located at 605 Roxbury Road, Newville in Upper Mifflin Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Mifflin Township	455 Whiske Run Road Newville, PA 17241	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Upper Mifflin Township, Cumberland County. The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve the existing Anthony and Lori Todaro dwelling at 605 Roxbury Road, Newville. The proposed SFTF is to repair a malfunctioning on-lot sewage system with a treated discharge of 600 gallons per day to an unnamed tributary of Whiskey Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

#### Public Notice of Proposed Settlement Agreement Linfield, Montgomery County, PA

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P. S. § 6020.1113, has entered into a settlement agreement with Linfield Industrial Park, Inc. (LIPI), for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released at the

Linfield Industrial Park HSCA Site (Site). This Site consists of 82.5 acres of land, which prior to 1986, was used for the repackaging and distribution of ethylene glycol (antifreeze) and ammonia-based cleaners. The Site was also operated as a whiskey distillery from approximately 1891 until the 1950's and as a whiskey warehousing facility from the 1950's until approximately 1981. LIPI purchased the Site in 1984. Operations at the Site were abandoned in 1986. Hazardous substances were released and threatened to be released at the Site during LIPI's period of ownership.

In October, 2005, a fire occurred in one of the abandoned buildings on the Site. Between July 1999 and 2008, the Department conducted certain prompt interim response actions at the Site. These response actions were taken pursuant to section 505(b) of HSCA, 35 P. S. § 6020.505(b), and included a site investigation, site stabilization after the fire and unilateral legal enforcement action against LIPI. The total amount of money which the Department expended to conduct its response actions was \$82,471.45.

As an owner of the Site, LIPI is a "responsible party" pursuant to section 701(a)(1) of HSCA, 35 P. S. § 701(a)(1). Thus, the Department had claims against LIPI for both civil penalties as well as its response costs incurred to abate the release and threatened release of hazardous substances at the Site. The Department has determined that it is in the public interest to resolve its claims against LIPI. Thus, the Department has entered into a settlement agreement with LIPI for the immediate reimbursement of its response costs as well as the payment of certain civil penalties upon the sale of the Site.

This notice is provided under section 1113 of HSCA, 35 P. S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to the significant written comments". The settlement agreement, which contains the specific terms of the agreement, is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street, Norristown, PA 19401, by contacting either Timothy Cherry (484) 250-5728 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Cherry and Ms. Thomas may also be contacted electronically at [tcherry@state.pa.us](mailto:tcherry@state.pa.us) and [githubomas@state.pa.us](mailto:githubomas@state.pa.us), respectively. The public comment period for the settlement agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them at the above address.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated

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

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

The Department has received the following plans and reports:

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

**Former Giffuni Property/Turkey Hill Experience, Columbia Borough, Lancaster County.** Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Columbia Borough, 308 Locust Street, Columbia, PA 17512, submitted a Risk Assessment Report concerning remediation of site soils and groundwater contaminated with inorganics, PAHs and VOCs from historical industrial processes. The site will be remediated to the Site-Specific Standard.

**Ronald L. Meck Rental Property, West Cocalico Township, Lancaster County.** GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Ronald L. Meck, 275 Creamery Road, Denver, PA 17517, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The Report was submitted within 90 days of the release, and is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**K & R Realty Property, Kutztown Borough, Berks County.** GHR Consulting Services, Inc., 224 B South Maple Street, Ambler, PA 19002, on behalf of K & R Realty, 277 Fair Street, Kutztown, PA 19530, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an underground storage tank. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Ames True Temper Camp Hill, Hampden Township, Cumberland County.** Bradburne, Briller, and Johnson, LLC, 1641 Saw Mill Run Boulevard, Pittsburgh, PA

15210-3433, on behalf of Ames True Temper, 465 Railroad Avenue, Camp Hill, PA 17011, submitted a revised Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

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

**Fortuna Energy Klein R Wellpad, Armenia Township, Bradford County.** URS Corp, 4507 N. Front Street, Suite 200 on behalf of Fortuna Energy Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with brine constituents. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

**Munroe Farm Site, Castanea Township, Clinton County.** American Color & Chemical, LLC, P. O. Box 88, Lock Haven, PA 17745 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with dichlorobenzene, nitroamine, chloroaniline, aluminum, antimony, benzene, bis(2-ethylhexyl) phthalate, chlorobenzene, nickel and nitrobenzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Industrial Steel and Pipe Supply Co., City of St. Marys, Elk County.** Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 on behalf of The City of Saint Marys, 11 Lafayette Street, Saint Marys, PA 15857 has submitted a Risk Assessment Report and Final Report concerning remediation of site soil contaminated with Lead and Arsenic. The Risk Assessment Report and Final Report are intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

**US Bronze Foundry and Machine, Inc., Metals Impacted Soils and Sediment, Woodcock Township, Crawford County.** Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046 on behalf of Pneumo Abex, LLC, c/o Briggs and Morgan, PA, 2200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402 has submitted a Risk Assessment Report concerning remediation of site soil and sediment contaminated with lead, copper, zinc, antimony, arsenic, barium, beryllium, cadmium, mercury, nickel, silver, selenium, thallium plant debris, building materials and residual wastewater sludge. The Report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania*

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

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

The Department has received the following plans and reports:

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

**Driscoll Residence**, Dickinson Township, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Heather Yates, 1265 Goodyear Road, Gardners, PA 17324, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on February 24, 2010.

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

**Munroe Farm Site**, Castanea Township, **Clinton County**. American Color & Chemical, LLC, P. O. Box 88, Lock Haven, PA 17745 has submitted a Cleanup Plan concerning the remediation of site groundwater contaminated with dichlorobenzene, nitroamine, chloroaniline,

aluminum, antimony, benzene, bis(2-ethylhexyl) phthalate, chlorobenzene, nickel and nitrobenzene. The Cleanup Plan was by the Department of Environmental Protection on February 23, 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.**

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

**GP1-23-0149: Delaware County Fair Acres Complex** (340 North Middletown Road, Lima, PA 19037) on February 26, 2010, to operate (2) two natural gas and #2 oil fired boilers in Middletown Township, **Delaware County**.

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

**GP5-30-00172B: RW Gathering, LLC** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on February 24, 2010, to operate one flare equipped natural gas dehydrator at their Browns Creek Station located in Morris Township, **Greene County**.

**GP5-26-00546A: Laurel Mountain Midstream, LLC**, Prah Station (1550 Coraopolis Heights Road, 2nd Floor, Moon Township, PA 15108) on February 2, 2010, the General Permit is being approved for use at this existing facility due to a change of ownership from the former Atlas Pipeline Pennsylvania, LLC in Franklin Township, **Fayette County**. Additional changes at this facility include the modification of the two existing compressor engines which will be retrofitted with new ignition systems. The new ignition systems will increase the power output of each engine from 1,265 bhp to 1,340 bhp with slight increases in emission rates of NO<sub>x</sub>, CO and VOC. The engines will still be in compliance the applicable requirements of GP-5.

**GP9-63-00950: Alex Paris Contracting Co., Inc.** (1595 Smith Township State Road, Atlasburg Point, PA 15004) on February 10, 2010 GP-9 issued to allow the installation and operation of three diesel engines, one Caterpillar 300-bhp, Model C-9 DITA, one Caterpillar 415-bhp, Model C-13 DITA and Motore 97-bhp, Model 11B01836 in Morris Township, **Washington County** at the Archer Road Site, off Archer Road. These engines will provide mechanical power to a Portable Nonmetallic Mineral Processing Plant, rated at 400 tons per hour.

**GP3-63-00950: Alex Paris Contracting Company Inc.**, (1595 Smith Township State Road, Atlasburg Point, PA 15004) GP-3 issued on February 10, 2010 to allow the installation and operation of one Portable Nonmetallic Mineral Processing Plant, rated at 400 tons per hour, at the Archer Road Site, off Archer Road, located in Morris Township, **Washington County**.

**GP5-26-00584A: Williams Laurel Mountain Midstream, LLC** (1550 Coraopolis Heights Road, 2nd Floor, P. O. Box 611, Moon Township, PA 15108) on February 5, 2010, received authorization under GP-5 for installation and operation of a natural gas production facility at the Dunbar Compressor Station in Dunbar Township, **Fayette County**.

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

**GP5-25-1014A: Laurel Mountain Midstream LLC—Union City Station** (Glade Run Road, Union City, PA 16438) on February 25, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Cumberland Township, **Erie County**. Previously permitted under Atlas Pipeline PA, LLC.

**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.**

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

**23-0111B: Centocor Research and Development, Inc.** (145 King of Prussia Road, Radnor, PA 19087) on February 26, 2010, for a minor modification of the previously issued plan approval for Diesel or No. 2 Fuel-Fired Internal Combustion Engine that powers 2,250 kW Peak Shaving Electric Generator (diesel electric generator) at the Centocor pharmaceutical research and development/manufacturing/biotechnological facility located at 145 King of Prussia Road, Radnor Township, **Delaware County**. There is no increase in previously permitted emissions. The permittee will take limitations to remain a minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**30-00077: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) on February 23, 2010, to authorize Texas Eastern to install the following: a third Solar Mars 100-150002S III turbine rated at 13,300 hp, a Waukesha emergency generator, rated at 400 hp and operating less than 100 hours per year, and two gas heaters rated respectively at 0.12 and 0.5 mmBtu/hr and Texas Eastern will permanently disable one existing Rand KVS-412 internal combustion engine rated at 2,000 hp at their Holbrook Compressor Station in Wind Ridge, Richhill Township, **Greene County**, PA. The project will result in a net decrease of 122.5 tons NO<sub>x</sub> per year, and increases of 4.46 tons VOCs and 18.86 tons of CO per year. Best Available Technology for the sources being approved is the use of dry low NO<sub>x</sub> combustors on the turbine and operation in accordance with manufacturers' recommendations for the other sources. The facility currently has a Title V Operating Permit, TVOP-30-00077. Once compliance with all conditions of this Plan Approval has been demonstrated, TVOP-30-00077 will be administratively amended to incorporate the provisions of this plan approval in accordance with 25 Pa. Code § 127.450. This installation is subject to State and Federal regulations, including 40 CFR 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines. Plan Approval has been conditioned to ensure compliance with all applicable rules.

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

**10-001M: AK Steel Corp.** (P. O. Box 832, Butler, PA 16003-0832) on February 22, 2010, to modify their Melt Shop to increase production including construction of a conventional Electric Arc Furnace (EAF) and a dual station Ladle Metallurgical Facility (LMF) at the Melt Shop facility, Butler Works, in the City of Butler, **Butler County**. This plan approval is subject to the Prevention of Significant Deterioration (PSD) requirements for Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>) and Nitrogen Dioxide (NO<sub>2</sub>). The facility currently has a Title V permit which was issued February 13, 2006.

**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.*

**15-0078F: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on February 26, 2010, for modification of two (2) 16.8 mmBtu/hr boilers at the Centocor pharmaceutical research and development/manufacturing/biotechnological facility at 200 Great Valley Parkway, East Whiteland Township, **Chester County**. The permittee has requested to operate two (2) existing boilers simultaneously which will result in an increase in NO<sub>x</sub>, CO, PM, SO<sub>x</sub>, VOC and HAP emission rates. The facility is a synthetic minor and operates under Operating Permit 15-00078. The permittee will take limitations to remain a synthetic minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0174: Liberty Coating Co., LLC** (21 Steel Road South, Morrisville, PA 19067) on February 25, 2010, to operate an existing blasting and surface coating operation in Falls Township, **Bucks County**.

**15-0078E: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on February 25, 2010, to operate an emergency electric generator in East Whiteland Township, **Chester County**.

**15-0094A: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19381-0598) on February 25, 2010, to operate an efficiency fiber bed filter in West Goshen Township, **Chester County**.

**15-0094B: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19381-0598) on February 25, 2010, to operate a foundry side electric furnace in West Goshen Township, **Chester County**.

**46-0200B: John Middleton, Co.** (475 North Lewis Road, Limerick, PA 19468) on March 1, 2010, to operate a regenerative thermal oxidizer in Upper Merion Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Chief—Telephone: 717-705-4762 or Gary Helsel, Acting Chief, West Permitting Section—Telephone: 814-949-7935.*

**07-03055A: Advanced Metals Processing PA, LLC** (1001 Loop Road, Hollidaysburg, PA 16648) on February 24, 2010, for their temporary operation of the air contamination source for Hollidaysburg Borough, **Blair County**. This plan approval was extended.

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

**17-00063B: Bionol Clearfield, LLC** (2 Batterymarch Park, Suite 301, Quincy, MA 02169) on February 17, 2010, to issue a revised plan approval for their facility in Clearfield Borough, **Clearfield County**. This plan approval modification is to revise conditions of Plan Approval 17-00063B regarding source updates, source capacity updates, and work practice changes. The emission limitations from the original issuance of Plan Approval 17-00063B have not been revised. The plan approval contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**08-00003H: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on February 24, 2010, to extend the authorization to exhaust the cavity steam from the Line 2 Press (Source ID 172P) to regenerative thermal oxidizer (RTO, ID C142) on a temporary basis to August 20, 2010, at the facility in Wysox Township, **Bradford County**. The Plan Approval has been extended.

**08-00002B: E.I. DuPont de Nemours and Co.** (Patterson Boulevard, Towanda, PA 18848) on February 16, 2010, to authorize construction and operation of a 15 million Btu per hour thermal fluid heater to August 26, 2010 in North Towanda Township, **Bradford County**. The plan approval has been extended.

**08-00002C: E.I. DuPont de Nemours and Co.** (Patterson Boulevard, Towanda, PA 18848) on February 16, 2010, to authorize construction and operation of a thermal color coater (No. 11 Coater) and associated air cleaning device (a regenerative thermal oxidizer) to August 26, 2010 in North Towanda Township, **Bradford County**. The plan approval has been extended.

*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.*

**OP-26-00470: Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415) on January 28, 2009, to as issue an Operating Permit for Mon River Energy Corporation's Brier Hill Site coal and coke recovery facility in Redstone Township, **Fayette County**. Sources at this facility include front-end loaders, trucks, conveyers, screeners, water cyclones, stockpiles and roadways.

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

**24-083M: Carbone of America**, (215 Stackpole Street, City of Saint Marys, PA 15857), issued February 28, 2010, for the installation of an electric furnace with a thermal oxidizer control device at the facility site in the City of Saint Marys, **Elk County**. This is a Title V facility.

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

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Facilities Permitting Chief—Telephone: 570-327-3637.*

**53-00001: Tennessee Gas Pipeline Co.** (1001 Louisiana Street, Houston, TX 77252-2511) on February 9, 2010, to issue a renewal Title V Operating Permit for their natural gas compression station in Hebron Town-

ship, **Potter County**. The renewal Title V Operating Permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

**18-00001: Columbia Gas Transmission, Corp.** (1700 MacCorkle Avenue SE, Charleston, WV 25314-1518) on February 24, 2010, to issue a renewal Title V Operating Permit, for their Renovo Compressor Station facility in Chapman Township, **Clinton County**. The facility's sources include: two (2) boilers, four (4) catalytic heaters, one (1) line heater, five (5) space heaters, two (2) water heaters, five (5) reciprocating engines, associated pipeline flanges and valves, and ten (10) storage tanks. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**39-00079: Bridesburg Foundry Co.** (P. O. Box 269, Front and Grape Streets, Whitehall, PA 18052-0269) on February 24, 2010, to issue a State-only (Natural Minor) Operating Permit for operation of a copper foundry melt department in Whitehall Township, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Chief—Telephone: 717-705-4762 or Gary Helsel, Acting Chief, West Permitting Section—Telephone: 814-949-7935.*

**06-05102: Sunsweet Growers, Inc.** (105 South Buttenwood Street, Fleetwood, PA 19522) on February 16, 2010, for their hot-filled bottle plant in Fleetwood Borough, **Berks County**. This is a renewal of the State-only operating permit.

**07-03046: Penn Mag, Inc.** (719 Tarrtown Road, Adrian, PA 16210-1219) on February 5, 2010, for their iron chromite process in Greenfield Township, **Blair County**. This is a renewal of the State-only operating permit.

**34-03007: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301-2843) on February 18, 2010, for their Perulack Compressor Station in Lack Township, **Juniata County**. This is a State-only operating permit.

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

**08-00022: Cummings Lumber Co., Inc.** (P. O. Box 6, Troy, PA 16947) on February 10, 2010, to issue State-only Operating Permit for their hardwood dimension and flooring mill in Troy Township, **Bradford County**. The facility's main sources include one wood fired boiler, nine steam heated lumber drying kilns, and mill operation. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00052: P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) on February 10, 2010, to issue a State-only Operating Permit for their coal preparation facility in Goshen Township, **Clearfield County**. The

facility's main sources include a coal processing operation, site haul roads and a diesel fired generator. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00062: Wheeland Lumber Co., Inc.** (3558 Williamson Trail, Liberty, PA 16930) on February 11, 2010, to issue a State-only Operating Permit for their lumber mill in Jackson Township, **Lycoming County**. The facility's main sources include two wood fired boilers, nine steam heated lumber drying kilns, two emergency generators and dimension process area. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00029: Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823) on February 11, 2010, to issue a State-only (Synthetic Minor) Operating Permit for their limestone crushing and processing facility in Haines Township, **Centre County**. The facility's main sources include a primary crusher, secondary crusher, tertiary crusher and associated various material sizing and conveying equipment. The facility has taken a synthetic minor restriction to limit its potential fugitive particulate matter (PM-PM10) emissions below the major emission thresholds. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00022: State College Area School District** (131 West Nittany Avenue, State College, PA 16801) on February 12, 2010, to issue a State-only Operating Permit for their facility in State College Borough, **Centre County**. The facility's main sources include five (5) natural gas/No. 2 fuel oil fired boilers, and four (4) natural gas fired emergency generators. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**25-00124: Mayer Brothers Construction Company** (1902 Cherry Street, Erie, PA 16502), issued on February 26, 2010, for administrative amendment of Synthetic Minor Permit to incorporate the applicable conditions of plan approval #25-124D. The facility operates a hot mix asphalt plant located in City of Erie, **Erie County**. The significant sources are asphalt plant; fugitives from transfer points, asphalt Tank (2). The facility has increased restriction on production from 100,000 to 250,000 tons per year through new plan approval and qualified as a Synthetic Minor facility. The increased throughput restriction has been included in this amendment.

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

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

**09-00186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on February 26, 2010, is a non-Title V facility in Falls Township, **Bucks County**. The State-only (Synthetic Minor) Operating

Permit, No. 09-00186, has been amended to incorporate conditions from Plan Approval No. 09-0186A. This amendment allows for the operation of a Fertilizer Material Transfer and Storage operation that unloads various forms of fertilizers from barges and cargo ships, stores the material and then ships fertilizer out in trucks or railcars. The only pollutant of concern from this operation is PM emissions. This operation has a potential-to-emit of 34.85 tons per year (TPY) for total PM, 13.24 TPY for PM-10, and 2.01 TPY for PM-2.5. The facility is restricted to a site-wide limit of 109 TPY for Total PM and 34 TPY for PM-10, keeping this facility from being a Title V facility. PM emissions are controlled by covers on conveyors, enclosures around transfer points, and total enclosures around other various parts of the operation. The operating permit contains recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-00173: P & R Industries, Inc., d/b/a Arbonite** (3826 Old Easton Road, Doylestown, PA 18901) On February 26, 2010, for an Administrative Amendment to State-only (Natural Minor) Operating Permit No. 09-00173 for its facility, which is located in Buckingham Township, **Bucks County**. The Administrative Amendment revises the combustion chamber exit gas temperature restriction for the facility's afterburner.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00044: Glasgow, Inc.** (Church and Flint Hill Roads, King of Prussia, PA 19406) on February 26, 2010, for an Administrative Amendment to State-only (Synthetic Minor) Operating Permit No. 46-00044 for its McCoy facility, which is located in Upper Merion Township, **Montgomery County**. The Administrative Amendment corrects conditions in the permit relating to routine and preventative maintenance.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Chief—Telephone: 717-705-4762 or Gary Helsel, Acting Chief, West Permitting Section—Telephone: 814-949-7935.*

**21-05031: Community Refuse Services, Inc.** (135 Vaughn Road, Shippensburg, PA 17257-9727) on February 22, 2010, to issue an administrative amendment to their Title V permit renewal to incorporate their Plan Approval for expansion, in Hopewell Township, **Cumberland County**.

**28-03025: Wengers Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570-0026) on February 22, 2010, for their feed mill in Southampton Township, **Franklin County**. This is an administrative amendment of the State-only operating permit.

**36-03106: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on February 24, 2010, for their crushing plant in West Cocalico Township, **Lancaster County**. This is a modification of the State-only operating permit.



## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**32031301 and NPDES Permit # PA0235580, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to add surface activity site acres for a new treatment pond site, a de-watering borehole and new NPDES discharge point. Surface Acres Proposed 9.6. Receiving stream: Yellow Creek, classified for the following use(s): CWF, trout stocked. Application received: June 26, 2009. Permit issued: February 25, 2010.

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

**54070105 and NPDES Permit No. PA0224634, Blackwood Mining**, (504 East Center Street, Ashland, PA 17921), commencement, operation and restoration of an anthracite surface mine operation in Reilly and Tremont Townships, **Schuylkill County** affecting 89.0 acres, receiving stream: Swatara Creek. Application received: December 21, 2007. Permit issued: February 23, 2010.

**54773223R5, Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream: none. Application received: July 1, 2009. Renewal issued: February 23, 2010.

### Noncoal Permits Actions

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

**21072801, John W. Nolt**, 199 Ridge Road, Newville, PA 17241, commencement, operation and restoration of a small noncoal (industrial minerals) operation in North Newton Township, **Cumberland County**, affecting 5.0 acres, receiving stream(s): UT to Green Spring Creek. Application received: September 21, 2007. Permit issued: February 18, 2010.

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

**59102802, Wesley J. Cole** (343 Jess Drive, Middlebury Center, PA 16935). Commencement, operation and restoration of an existing small noncoal topsoil, sand and gravel operation in Middlebury Township, **Tioga County** affecting 3.0 acres. This is an upgrade from 2,000 tons per year to 10,000 tons per year. Receiving stream(s): Crooked Creek, North Ives Run. Application received: February 18, 2010. Permit issued: February 18, 2010.

**53092801, Fox Hill Farms** (1820 Fox Hill Road, Ulysses, PA 16948). Commencement, operation and restoration of a shale and sandstone operation in Ulysses Township, **Potter County** affecting 2.86 acres. Receiving stream(s): Unnamed Tributary to Ludington Run, Genesee River. Application received: July 16, 2009. Permit issued: February 18, 2010.

## ABANDONED MINE RECLAMATION ACT 181 ONLY

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

Act 181 Bond Forfeiture Reclamation Project	PBF 56783046.3
Location	Brothersvalley and Black Townships Somerset County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project H & H Coal Company SMP No. 56783046
Contractor	Quality Aggregates, Inc. 4955 Steubenville Pike, Suite 245 Pittsburgh, PA 15205
Amount	\$38,000.00
Date of Award	February 23, 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.*

**65104001, Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for the construction of the Janitor 5 Atlas Resources Well Site, located in Sewickley Township, **Westmoreland County**. The expected duration of blasting is two months. Permit issued: February 25, 2010.

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

**36104105, Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Laurel Pond Development in Manheim Township,

**Lancaster County** with an expiration date of February 19, 2011. Permit issued: February 23, 2010.

**67104104. Pact Construction, Inc.**, (P. O. Box 74, Ringoes, NJ 08551), construction blasting for Sewer Project Pipeline in Manchester Township, **York County** with an expiration date of February 19, 2011. Permit issued: February 24, 2010.

**15104102. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Bodine Road Bridge demolition in Charlestown Township, **Chester County** with an expiration date of February 18, 2011. Permit issued: February 25, 2010.

**38104102. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Valley Chase Development in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued: February 25, 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.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E17-455. Wright Philipsburg II, LP**, P. O. Box 1908, Media, PA 19063-8908. Wright Philipsburg II Commercial Development in Moshannon Creek Floodway, Decatur Township, **Clearfield County**, ACOE Baltimore District (Philipsburg, PA Quadrangle Latitude: 41° 54' 08.8"; Longitude: 78° 13' 41.0").

The applicant proposes to remove three existing structures and place, operate and maintain fill within the 100-year floodway of Moshannon Creek for construction of a commercial facility. Absent detailed floodway elevations, placement and maintenance of fill for the commercial facility shall be within 50-feet from top of streambank. The project is located along the southern right-of-way of SR 0322 approximately 375-feet east of SR 0053 and SR 0322 intersection. This permit was issued under Section 105.13(e) "Small Projects."

**E17-460. Carrie L. Blake**, 720 Good Street, Houtzdale, PA 16651-1305. Carrie Blake Single Residence Dwelling in Beaver Run Floodway, Houtzdale Borough, **Clearfield County**, ACOE Baltimore District (Houtzdale, PA Quadrangle Latitude: 41° 49' 26"; Longitude: 78° 21' 12").

The applicant proposes to remove an existing dwelling and construct, operate and maintain a single residence dwelling that is located in the 100-year floodway of Beaver Run. The new dwelling shall be constructed with the first floor elevation a minimum of 3-feet above the 100-year flood water surface elevation. Placement fill shall be limited to dwelling footings, foundation and minimal footing cover, so that there will minimal diminishment of flood storage capacity in the Beaver Run floodway. Skirting around the dwelling foundation shall be constructed so to allow flood flow passage from the upstream through downstream foundation sections. The project is located at the intersection of Good and Centennial Streets approximately 35-feet upstream of the bridge that carries Good Street over Beaver Run. This permit was issued under Section 105.13(e) "Small Projects."

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

**E10-454. Cranberry Business Park Associates, LP**, 210 West Kensinger Drive, Suite 400, Cranberry Township, PA 16066. Cranberry Business Park Lot 300, in Cranberry Township, **Butler County**, ACOE Pittsburgh District.

To: construct a 12-acre commercial development including a 54,000 square foot building and associated parking and infrastructure on Lot 300 approximately 480 feet north of the intersection of Unionville Road (T-326) and West Kensinger Drive (T-974) in the Cranberry Business Park (Mars, PA Quadrangle N: 40° 42' 38"; W: 80° 6' 55")

in Cranberry Township, Butler County involving: 1) to fill 0.02 acre (de minimis) of PEM wetland; 2) to fill 125 linear feet of a UNT Brush Creek having a drainage area less than 100 acres; 3) to construct and maintain stormwater outfalls to UNT Brush Creek; and 4) to establish 250 feet of riparian plantings along a UNT Brush Creek in Cranberry Business Park Lots 280/290.

**E25-724, City of Erie**, 626 State Street, Erie, PA 16501. Lake Erie Arboretum at Frontier Park, in the City of Erie, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Erie South, PA Quadrangle N: 42° 07' 00"; W: 80° 07' 00").

To: construct and maintain one 40' long by 8' wide and one 20' long and 8' wide pedestrian bridge over Cascade Creek (WWF) and to construct and maintain walkway trails at grade within the assumed 50 foot floodway of Cascade Creek at the NW corner of the intersection of West 8th Street and the Bayfront Parkway in Frontier Park. Cascade Creek is a perennial stream classified as a warm water fishery.

**E25-726, Millcreek Town Center Limited Partnership**, 1330 Boylston Street, Chestnut Hill, MA 02467. Millcreek Town Center Development, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42° 4' 2"; W: 80° 11' 46").

To: construct a commercial development on 57 acres consisting of 350,000 square feet of retail space, parking, stormwater facilities and associated infrastructure involving: 1) to fill 2.58 acres of PEM wetlands; 2) to fill a 0.23 acre pond and a 0.11 acre pond; 3) to construct and maintain a watercourse relocation of approximately 2000 feet of an UNT Wilkins Run to a relocated length of 2,437 feet with natural stream restoration features including wood deflectors, J hooks and crossvanes; 3) to construct and maintain a 90-foot long culvert in the reconstructed watercourse; 4) to remove the existing culvert and to construct and maintain a 97-foot long, 4-foot diameter RCP culvert in an UNT Wilkins Run under SR 20; 5) to construct and maintain a 3.31 acre wetland mitigation area consisting of 1.37 acres of PEM wetland, 1.24 acres of PSS wetland and 0.70 acre of PSS/PFO wetland; and 6) to construct and maintain various associated stormwater outfalls and three sanitary sewerline crossings of UNTs Wilkins Run.

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

#### ENVIRONMENTAL ASSESSMENTS

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

**D37-031EA. The Salvation Army**, Western Pennsylvania Division, 424 Third Street, Pittsburgh, PA 15219. Wayne and Perry Townships, **Lawrence County**, ACOE Pittsburgh District.

Project proposes to breach and remove Fairless Murray Dam across Slippery Rock 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 800 feet of stream channel. The dam is located approximately 1.4 miles north of the intersection of SR 488 and Vangorder Mill Road (T529) (Portersville, PA Quadrangle Latitude: 40° 53' 6"; Longitude: -80° 13' 52").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

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

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

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

1/25/10

ESCGP-1 No.: ESX10-005-0001

Applicant Name: Esco Resources (PA), Inc.

Contact Person: Joel Heiser

Address: 3000 Ericsson Drive, Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Armstrong Township(s): Manor and Kittanning Receiving Stream(s) and Classifications: Cambell Run (WWF), other

1/28/10

ESCGP-1 No.: ESX10-125-0004

Applicant Name: Markwest Liberty Midstream & Resources, LLC

Contact Person: Robert McHale

Address: 100 Plaza Drive, Suite 102

City: Atlasburg State: PA Zip Code: 15004

County: Washington Township(s): Chartiers

Receiving Stream(s) and Classifications: Plum Run, other

1/26/10

ESCGP-1 No.: ESX10-059-0006

Applicant Name: Fayette Coal and Coke, Inc.

Contact Person: Terrance Shalleberger, Jr.

Address: 195 Enterprise Lane

City: Connelville State: PA Zip Code: 15425

County: Greene Township(s): Dunkard

Receiving Stream(s) and Classifications: UNT to Dunkard Creek (WWF), other

1/21/10  
 ESCGP-1 No.: ESX10-059-0002  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154  
 County: Greene Township(s): Aleppos  
 Receiving Stream(s) and Classifications: UNT Hart's  
 Run-WV Border-PA Fork, other

1/21/10  
 ESCGP-1 No.: ESX09-059-0013-5 Revision  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Kenneth Kormendy  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: Bates Fork, HQ

1/29/10  
 ESCGP-1 No.: ESX10-125-0006  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154  
 County: Washington Township(s): Cross Creek  
 Receiving Stream(s) and Classifications: Cross Creek  
 (North Fork)-HQ-WWF—Cross Creek WWF-WV  
 Border—Ohio River, HQ

1/29/10  
 ESCGP-1 No.: ESX10-125-0005  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154  
 County: Washington Township(s): Cross Creek  
 Receiving Stream(s) and Classifications: UNT (HQ-  
 WWF)-Cross Creek(South Fork)(HQ-WWF)-Cross  
 Creek(WWF)-WV Border-Ohio River, HQ

2/1/10  
 ESCGP-1 No.: ESX09-059-0039-2 Revision  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: Muddy Creek,  
 HQ

2/4/10  
 ESCGP-1 No.: ESX10-129-0005  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): Murrysville  
 Receiving Stream(s) and Classifications: UNT to Humms  
 Run, other

1/29/10  
 ESCGP-1 No.: ESX10-125-0007  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard, Suite 300  
 City: Washington State: PA Zip Code: 15317  
 County: Washington Township(s): Cross Creek  
 Receiving Stream(s) and Classifications: UNT to Cross  
 Creek, HQ

1/26/10  
 ESCGP-1 No.: ESX09-051-0013 2&3 Revised  
 Applicant Name: Marathon Oil Company  
 Contact Person: Kirk Spilman  
 Address: 4 Grandview Circle  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Fayette Township(s): North Union, Dunbar  
 and Springfield  
 Receiving Stream(s) and Classifications: Cove Run-WWF,  
 Indian Creek-CWF, and Redstone Creek-WWF, other

2/1/10  
 ESCGP-1 No.: ESX10-129-0001  
 Applicant Name: XTO Energy  
 Contact Person: Ben Kissel  
 Address: 395 Airport Road  
 City: Indiana State: PA Zip Code: 15701  
 County: Westmoreland Township(s): Fairfield  
 Receiving Stream(s) and Classifications: Hypocrite Creek,  
 WWF, other

2/9/10  
 ESCGP-1 No.: ESX10-125-0010  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Cross Creek/MT  
 Pleasant  
 Receiving Stream(s) and Classifications: UNT to Cross  
 Creek, HQ

2/16/10  
 ESCGP-1 No.: ESX10-051-0004  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT to Dunlap  
 Creek, other

2/1/10  
 ESCGP-1 No.: ESX10-125-0008  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: UNT to Redd  
 Run, HQ

1/26/10  
 ESCGP-1 No.: ESX10-111-0001  
 Applicant Name: Chief Oil & Gas, LLC  
 Contact Person: Michael Hirtz  
 Address: 6051 Wallace Road, Suite 210  
 City: Wexford State: PA Zip Code: 15090  
 County: Somerset Township(s): Addison  
 Receiving Stream(s) and Classifications: UNT to  
 Braddocks Run, other

2/4/10  
 ESCGP-1 No.: ESX10-059-0008  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to  
 Monongahela River, other

2/1/10

ESCGP-1 No.: ESX10-129-0002  
 Applicant Name: Atlas Resources, LLC  
 Contact: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): Sewickley  
 Receiving Stream(s) and Classifications: UNT to  
 Sewickley Creek, other

2/1/10

ESCGP-1 No.: ESX10-129-0003  
 Applicant Name: Longfellow Energy, LP  
 Contact: Mark Rinehart  
 Address: 4801 Gaillardia Parkway, Suite 225  
 City: Oklahoma City State: OK Zip Code: 73142  
 County: Westmoreland Township(s): Donegal  
 Receiving Stream(s) and Classifications: Fourmile Run/  
 Ohio River Kiskiminetas River Basin, other

2/9/10

ESCGP-1 No.: ESX10-059-0010  
 Applicant Name: EQT Production Company  
 Contact: Todd Klaner  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: Browns Creek/  
 Bear Lakes, HQ

2/12/10

ESCGP-1 No.: ESX10-125-0013  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154  
 County: Washington Township(s): Carroll  
 Receiving Stream(s) and Classifications: UNT (WWF)-  
 Pigeon Creek (WWF)-Monongahela River (WWF), other  
*Northcentral Region: Oil and Gas Management Pro-  
 gram Manager, 208 West Third Street, Williamsport, PA  
 17701.*

ESCGP-1 # ESX10-117-0026

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Charleston Township  
 Receiving Stream(s) and Classification(s) Hills Creek,  
 UNTs to Hills Creek, Catlin Hollow, UNTs to  
 Catlin Hollow

ESCGP-1 # ESX10-117-0027

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 to  
 Towanda Creek

ESCGP-1 # ESX10-081-0004

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) McIntyre Township  
 Receiving Stream(s) and Classification(s) UNT  
 (non-designated)/West Branch Susquehanna  
 River Basin

ESCGP-1 # ESX10-117-0031

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) UNT (non-  
 designated)/West Branch Susquehanna River Basin  
 Secondary—Salt Spring Run (non-designated)

ESCGP-1 # ESX10-027-0003

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) UNT to Sterling  
 Run Secondary—Sterling Run

ESCGP-1 # ESX10-015-0035

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Leroy Township  
 Receiving Stream(s) and Classification(s) Towanda Creek  
 Secondary—Susquehanna River

ESCGP-1 # ESX10-117-0030

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 Township  
 Receiving Stream(s) and Classification(s) Mad Run

ESCGP-1 # ESX10-081-0005

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming  
 Township(s) McIntyre Township  
 Receiving Stream(s) and Classification(s) UNT (Non-  
 Designated)/West Branch Susquehanna River  
 Basin Secondary—Red Run

ESCGP-1 # ESX10-117-0029

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Delmar Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Baldwin Run/West Branch Susquehanna River  
 Basin Secondary—Marsh Creek—Pine Creek  
 to West Branch Susquehanna

ESCGP-1 # ESX10-117-0047

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Delmar Township  
 Receiving Stream(s) and Classification(s) West Side—  
 Pine Island Run; East Side Branch Stony Fork/  
 Susquehanna River Basin Secondary—West Side—  
 UNT of Pine Creek, East Side-Stony Fork

## SPECIAL NOTICES

### Notice of Proposed Interim Response under the Hazardous Sites Cleanup Act Keystone Instruments, Inc., Castanea Township, Clinton County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6029.101—6020.1305), proposes to initiate an interim response at Keystone Instruments, Inc., located in Castanea Township with an address of 320 Proctor Street, Lock Haven, PA 17745.

Keystone Instruments, Inc. consists of a 2-story wood frame building on a concrete slab with exterior dimensions of 32' by 48' on a 47' by 120' (0.13 acre) lot (Site). The Site is located at the W.T. Piper Memorial Airport approximately 150 feet west of the recently HSCA remediated Karnish Instruments Airport Site.

The Site building was constructed in the mid-1960s by Keystone Instruments, Inc. (Keystone) who have been repairing and maintaining aircraft instruments, many of which contained radium paint, at this location to the present time. The Department became aware of Keystone in 2006 when a trash truck hauling waste from the Site triggered a radiation monitoring alarm at the Wayne Township Landfill. Subsequent inspections of the Site conducted with field instruments determined there to be widespread radium contamination in instrument repair areas, in hallways, on stairs, on furniture, tools, and equipment, and on the grounds outside the building. Radium-226 is a radioactive isotope, the use or possession of which requires a license under Pennsylvania regulations. Keystone does not possess and had never applied for a license to operate. Up until recently, Keystone removed radium containing paint using solvents and/or sanding methods before the dials would be repainted using non-radioactive paint. In the most recent days of operating at this location, Keystone no longer removed the radium containing paint, but simply flipped the dials over before repainting.

The Department has worked with Keystone for over two years in an attempt to bring them into compliance with Pennsylvania regulations, and on October 10, 2008 entered into a Consent Order & Agreement (CO&A) that outlined the necessary tasks to accomplish this. Keystone had subsequently notified the Department that they were unable to secure the financial assurance required by the CO&A. After Keystone's failure to adequately characterize radioactive contamination around the exterior of the Site also as required by the CO&A, the Department retained the services of a HSCA funded contractor who from June 29 through July 3, 2009, conducted an exterior characterization survey. Based on these results, an estimated 1,500 cubic feet of radiologically contaminated soil will need to be removed to achieve acceptable exposure levels. On November 9, 2009, we received from Keystone an internal building characterization report. It indicated that readily accessible interior surface contamination has largely been cleaned up and poses minimal risk to workers in the building in its current condition. However, significant radium contamination remains in the walls and floor space due to past flooding and could pose a risk during any future renovation.

The Department's major objective in addressing the Site is to protect the public health and environment by eliminating the health threats posed by exposure to the radium contamination.

To achieve this objective, the Department considered the following alternatives:

#### *Alternative No. 1—No Further Action.*

This action would be to conduct no further remedial activities at the Site, leaving it in its current condition.

*Alternative No. 2—Soil removal in exterior areas and "surgical" removal of contaminated materials inside the building structure.*

This alternative involves the excavation of exterior contaminated soils. For building remediation, this option consists of surveying structural surfaces to determine if there is radioactivity above background, marking the areas of contamination on interior surfaces of the building and using surgical demolition to remove the areas identified. A final radiological site survey would be conducted.

*Alternative No. 3—Soil removal in exterior areas and complete demolition of the building.*

Alternative 3 consists of excavation of contaminated soils. Additionally, the entire structure would be completely demolished. All building debris, including the concrete building slab, and all contaminated soils, including any found beneath the concrete slab, would be sent to a landfill permitted/licensed to accept radiologically contaminated material. A final radiological site survey would be conducted.

The Department's preferred course of action is Alternative No. 3, *Soil removal in exterior areas and complete demolition of the building.* This was determined to be the response that is the most cost effective, permanent, and protective of human health and the environment. The Department may implement this response before the close of the public comment period if it is determined that prompt action is required to protect the public health or safety or the environment.

All information (documents, technical references, detailed site information, and the like), which was used as the basis for evaluation of alternatives and selection of the proposed interim response action outlined in this notice, is contained in the Administrative Record. The Administrative Record is available for public inspection from 8:30 a.m. to 5 p.m., Monday through Friday, at the Lock Haven City Hall, 20 East Church Street, Lock Haven, PA or by calling Kathy Arndt to arrange an appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Department's Northcentral Field Operations Office, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

Written comments concerning the Department's proposed response action and information in the Administrative Record will be accepted either in person if delivered to the West Third Street office on or before June 11, 2010, or by mail postmarked on or before June 11, 2010, sent to the attention of Denny Wright at 208 West Third Street, Williamsport, PA 17701, or by e-mail sent to dewright@state.pa.us on or before midnight June 11, 2010. All written and oral comments received during the public comment period and the Department's responses, will be placed into the Administrative Record.

The Department is providing this notice under section 506(b) of HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the 90-day comment period on the Administrative Record, as provided under HSCA.

### Notice of Public Meeting and Public Hearing Keystone Instruments, Inc. Site Castanea Township, Clinton County

The Department of Environmental Protection (Department) will conduct a public meeting at 6 p.m. on May 4,

2010, in the Council Chambers at Lock Haven City Hall to discuss the proposed remedial actions at the Keystone Instruments, Inc. site. Staff from the Department's Environmental Cleanup and Radiation Protection programs will make presentations and then answer questions from the public.

The public meeting will be followed by a Department public hearing beginning at 7:30 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed remedial actions. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of 5 minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. The Department will respond in writing to all relevant testimony provided during the public hearing.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should

contact Daniel T. Spadoni at (570) 327-3659 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

In the month of February 2010 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Douglas Adams	218 Poplar Avenue Marlton, NJ 08053	Testing
Air Quality Control, Inc.	630 Freedom Business Center 3rd Floor King of Prussia, PA 19406	Mitigation
William Cairnes	9 Sunset Drive Auburn, PA 17922	Testing & Mitigation
Fred Chappell	94 Chappell Lane Mill Hall, PA 17751	Mitigation
Christopher Earley	1120 Eleanor Circle Aston, PA 19014	Testing
David Eldred	94 Chappell Lane Mill Hall, PA 17751	Mitigation
Nathan Feldwieser	824 Red Barn Lane Huntingdon Valley, PA 19006	Testing
Jeffrey Finken	2517 Treeline Drive Easton, PA 18040	Mitigation
Daniel Frick	111 Naftzingertown Road Mohrsville, PA 19541	Testing
Mark Garland	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Mark Gibson	1193 Laurel Run Road Somerset, PA 15501	Mitigation
Gregory Hancock	147 Mountainstone Trail Lock Haven, PA 17745	Testing
John Jenkins	40 Sorber Road Shickshinny, PA 18655	Testing
Joseph Kelly	P. O. Box 156 Virginville, PA 19564	Testing
Joseph Kelly, III	P. O. Box 15811 Pittsburgh, PA 15244	Testing
Leonard Kelsey	134 Broad Street Suite 3 Stroudsburg, PA 18360	Testing
Mark Long	P. O. Box 495 Thurmont, MD 21788	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Dominick Marciano	1090 Bristol Road Mountainside, NJ 07092	Testing
Roger Marsh RSSI	6312 West Oakton Street Morton Grove, IL 60053	Laboratory
Thomas O'Connor	8620 Rochester Road Pittsburgh, PA 15237	Testing
Realty Inspection Services	768 SR 307 Moscow, PA 18444	Testing
Kathleen Remsnyder	2943 North Front Street Harrisburg, PA 17110	Testing
Jeffrey Schlaline Absolute Radon Mitigation	800 Locust Grove Road York, PA 17402	Mitigation
James Slusser	12 Daniel Lane Berwick, PA 18603	Testing
Igor Smetaniuk	P. O. Box 300 Glen Spey, NY 12737	Testing
Jerry Smith	17129 Lappans Road Hagerstown, MD 21740	Testing
Wayne Thomas Environmental Abatement Associates, Inc.	143 West Main Street Plymouth, PA 18651	Testing
Michael Waltz I'm The Guy, LLC	P. O. Box 31 Northumberland, PA 17857	Mitigation
Frederick Wedman Moyer Indoor Outdoor	P. O. Box 64198 113 East Reliance Road Souderton, PA 18964	Mitigation
Matthew Winslow	1309 North Vanburen Street Allentown, PA 18109	Mitigation
David Yokum	215 Taylor Road York, PA 17406	Mitigation

[Pa.B. Doc. No. 10-448. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Bid Opportunity

**C31:02-102.1, Debris Boom Replacement Project, Smithfield Township, Huntingdon County.** The principal items of work include debris boom replacement. This project issues on March 12, 2010, and bids will be opened on April 8, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-449. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Bid Opportunity

**C40:01-102.1, Fence Replacement, Wyoming Flood Protection Project, Borough of Wyoming, Luzerne County.** The principal items of work include 10 cubic feet of concrete removal; removal and disposal of existing fence posts; 10 cubic feet of concrete repair; 797 linear feet of existing chain link fence removal and disposal and new chain link fence; 14 each of ladder rung; 875 square feet of waterproofing and 10 each of grounding rod. This

project issues on March 12, 2010, and bids will be opened on April 8, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-450. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Bid Opportunity

**C64:03-105.1, Fence Replacement, Hawley Flood Protection Project, Borough of Hawley, Wayne County.** The principal items of work include 134 each of removal and disposal of existing fence posts; 1,260 linear feet of new chain link fence installation and removal and disposal of existing chain link fence; 134 each of grout fence post core holes; 20 cubic feet of concrete wall repair; 2,150 square feet of waterproofing concrete wall tops; 1 each of flapgate replacement and 21 each of grounding rod. This project issues on March 12, 2010, and bids will be opened on April 8, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has



been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-451. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Climate Change Advisory Committee Meeting

The Department of Environmental Protection (Department) announces the following meeting:

Adaptation to Climate Change Kick-off Meeting, Wednesday, March 24, 2010, from 10 a.m. to 12:30 p.m.

The Adaptation to Climate Change Meeting will be held in the Auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

The goal of the meeting is to launch adaptation strategy discussions to enable the Commonwealth to better understand and then plan for the challenges resulting from climate impacts, including warmer temperatures, longer growing season and more severe storm events that are occurring now. Adaptation is necessary to help human and natural systems respond to the effects of climate change that have begun to appear. The adaptation planning process will bring together key public and private stakeholders with expertise in natural resources, public health and safety, infrastructure, tourism and outdoor recreation.

The Climate Change Advisory Committee advises the department regarding implementation of the provisions of the Pennsylvania Climate Change Act of 2008 (Act 70). The priorities for this committee include developing pathways for implementation of greenhouse gas reductions; evaluating economic opportunities for mitigation strategies that were quantified in the Pennsylvania Climate Change Action Plan; and identifying goals for adaptation to climate change.

Questions concerning this meeting should be directed to Kim Hoover, Office of Energy and Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-5161, kahoover@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Kim Hoover at (717) 772-5161 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. 10-452. Filed for public inspection March 12, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Berkshire Eye Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Berkshire Eye Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

Persons who wish to comment on this 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-453. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Calcagno & Rossi Vein Treatment Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Calcagno & Rossi Vein Treatment Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.1.4.1 (relating to medical gas system) and 3.1-7.1.4.2 (relating to vacuum system).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-454. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-455. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 123.25

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards):

Alle-Kiski Medical Center  
Hahnemann University Hospital  
Lancaster General Hospital  
LifeCare Hospitals of Pittsburgh  
Thomas Jefferson University Hospital, Inc.  
The Western Pennsylvania Hospital-Forbes Regional Campus

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

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-456. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

The Reading Hospital and Medical Center  
Thomas Jefferson University Hospitals, Inc.  
UPMC Passavant

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

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-457. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Gettysburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 138.18(b) (relating to EPS studies).

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-458. Filed for public inspection March 12, 2010, 9:00 a.m.]

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### Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 105.1 (relating to principle).

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-459. Filed for public inspection March 12, 2010, 9:00 a.m.]

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### Application of Hamot Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-5.6.1.5(1) (relating to cardiac catheterization facilities staff changing areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-460. Filed for public inspection March 12, 2010, 9:00 a.m.]

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### Application of Hanover SurgiCenter, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hanover SurgiCenter has requested an exception to the requirements of 28 Pa. Code § 567.2 (relating to committee responsibilities).

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

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

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-461. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jefferson Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written orders).

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-462. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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

Persons who wish to comment on this 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-463. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-464. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Lee Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lee Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-465. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 138.18(b) (relating to EPS studies).

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-466. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Mercy Tyler Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Tyler Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.3.3.2(2) (relating to layout).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-467. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Monongahela Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Monongahela Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.3 (relating to examination/treatment rooms) and 3.1.3.1 (relating to location).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-468. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Plaza Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Plaza Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-469. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of St. Luke's Miners Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Miners Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 103.36(b)(4) and 103.39 (relating to personnel records; and personnel health requirements).

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-470. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code § 138.1 (relating to principle).

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

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

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-471. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-9.2.2.2 (relating to hospital type elevators) and 2.1-9.2.3.1 (relating to dimension of hospital type cars).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-472. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside Chronic Pain Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside Chronic Pain Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.1 (relating to general purpose exam room), 2.1.1.1 (relating to space requirements), 3.1-5.2.1.1(1) (relating to public corridors), 3.1-2.1.1.1 (relating to clearance) and 3.1-2.1.7.4 (relating to clean supply closet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-473. Filed for public inspection March 12, 2010, 9:00 a.m.]

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

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

Millcreek Community Hospital Transitional Care Unit  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 57010201

Millcreek Manor  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 131102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Cherry Tree Nursing Center  
410 Terrace Drive  
Uniontown, PA 15401

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

Donahoe Manor  
136 Donahoe Manor Road  
Bedford, PA 15522

Golden LivingCenter—Blue Ridge Mountain  
3625 North Progress Avenue  
Harrisburg, PA 17110

Golden LivingCenter—Hillview  
700 South Cayuga Avenue  
Altoona, PA 16602

Golden LivingCenter—Meyersdale  
201 Hospital Drive  
Meyersdale, PA 15552

Golden LivingCenter—Richland  
349 Vo-tech Drive  
Johnstown, PA 15904

Golden LivingCenter—South Hills  
201 Village Drive  
Canonsburg, PA 15317

Golden LivingCenter—Uniontown  
129 Franklin Avenue  
Uniontown, PA 15401

Golden LivingCenter—West Shore  
770 Poplar Church Road  
Camp Hill, PA 17011

Golden LivingCenter—William Penn  
163 Summit Drive  
Lewistown, PA 17044

Heartland Health Care Center (Pittsburgh)  
550 South Negley Avenue  
Pittsburgh, PA 15232

ManorCare Health Services—Bethel Park  
60 Highland Road  
Bethel Park, PA 15102

ManorCare Health Services—Camp Hill  
1700 Market Street  
Camp Hill, PA 17011

ManorCare Health Services—Carlisle  
940 Walnut Bottom Road  
Carlisle, PA 17015

ManorCare Health Services—Chambersburg  
1070 Stouffer Avenue  
Chambersburg, PA 17201

ManorCare Health Services—Dallastown  
100 West Queen Street  
Dallastown, PA 17313

ManorCare Health Services—Green Tree  
1848 Greentree Road  
Pittsburgh, PA 15220

ManorCare Health Services—McMurray  
113 West McMurray Road  
McMurray, PA 15317

ManorCare Health Services—Monroeville  
885 MacBeth Drive  
Monroeville, PA 15146

ManorCare Health Services—North Hills  
1105 Perry Highway  
Pittsburgh, PA 15237

ManorCare Health Services—York North  
1770 Barley Road  
York, PA 17404

ManorCare Health Services—York South  
200 Pauline Drive  
York, PA 17402

Shadyside Nursing and Rehabilitation Center  
5609 Fifth Avenue  
Pittsburgh, PA 15232

Sky Vue Terrace  
2170 Rhine Street  
Pittsburgh, PA 15212

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 accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-474. Filed for public inspection March 12, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2010

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2010 total allowable commercial catch for walleye from this Commonwealth's waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been

taken by commercial fishing interests fishing in this Commonwealth's waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2010 total allowable commercial catch for yellow perch from this Commonwealth's waters of Lake Erie is 60,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 60,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in this Commonwealth's waters of Lake Erie.

BRIAN P. BARNER,  
*Acting Executive Director*

[Pa.B. Doc. No. 10-475. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Proposed Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

The criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries.

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries.

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries.

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).



(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries.

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff have documented the following stream sections to have Class A Wild Trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on April 19 and 20, 2010.

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Brook Trout Biomass (kg/ha)</i>	<i>Length (miles)</i>
Columbia/ Sullivan	Coles Creek	Headwaters to confluence Marsh Run	45.60	1.73
Columbia	Fallow Hollow	Headwaters to mouth	43.75	0.98
Columbia	Hess Hollow	Headwaters to mouth	33.75	1.84
Pike	Birchy Run	Headwaters to confluence Shohola Creek	79.18	2.21
Pike	Buchards Creek	Pond Outflow downstream of Gravel Pit and Pine Road Access downstream to confluence Taylortown Creek	32.72	1.89
Luzerne	UNT to Lehigh River downstream FEW Gage RM 76.52	Headwaters downstream to confluence Lehigh River	38.34	1.11
Carbon	UNT to Lehigh River RM 58.48 (1st tributary downstream from Black Creek West Bank)	Headwaters downstream to confluence with Lehigh River	45.12	1.25
Carbon	UNT to Lehigh River RM 58.09 (2nd tributary downstream from Black Creek West Bank)	Headwaters downstream to confluence with Lehigh River	120.38	1.19
Schuylkill/ Carbon	White Bear Creek	Headwaters downstream to inlet of Mauch Chunk Creek	94.75	3.14

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-476. Filed for public inspection March 12, 2010, 9:00 a.m.]

**Proposed Special Regulation Redesignation**

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations

are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

The Commission manages Bowmans Creek Section 04, Wyoming County, under § 65.14 (relating to catch and release fly-fishing only areas). The current section limits read as follows: "From the vicinity of SR 292 downstream to near the confluence with Marsh Creek." These limits are vague and have caused confusion among anglers. Historically, the upstream limit was intentionally vague because an individual who owned a short strip of land downstream from the SR 292 bridge wished to fish with bait on his property. That land has changed hands, and the new owners have agreed to catch and release fly-fishing only regulations.

At the next Commission meeting on October 19 and 20, 2010, the Commission will consider redefining the limits of the catch and release fly-fishing only area on Bowmans Creek to read as follows: "From the SR 292 bridge downstream to the confluence with Marsh Creek." This redesignation, if approved, will be effective upon publication in the *Pennsylvania Bulletin*.

At this time, the Commission is soliciting public input concerning the redesignation. Persons with comments,

objections or suggestions concerning the redesignation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-477. Filed for public inspection March 12, 2010, 9:00 a.m.]

### 2010 Classification of Wild Trout Streams; Additions and Adjustments

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 19 and 20, 2010, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
McKean	Boyer Brook	Potato Creek	Headwaters downstream to mouth
Forest	Church Run	Tionesta Creek	Headwaters downstream to mouth
Forest	Fools Creek	Tionesta Creek	Headwaters downstream to mouth
Forest	Kingsley Run	Tionesta Creek	Headwaters downstream to mouth
Forest	Martin Run	Tionesta Creek	Headwaters downstream to mouth
Forest	Phelps Run	Tionesta Creek	Headwaters downstream to mouth
Forest	Reagan Run	Tionesta Creek	Headwaters downstream to mouth
Forest	Rocky Run	Tionesta Creek	Headwaters downstream to mouth
Elk	Spring Creek	Clarion River	Confluence of Watson Branch and Gilfoyle Run downstream to confluence with Wolf Run
Clearfield	Beaver Run	Moshannon Creek	Headwaters to confluence with Gose Run
Centre	Boake Run	Sterling Run	Headwaters downstream to mouth
Clearfield	Dale Run	Moravian Run	Headwaters to mouth
Clearfield	Hartshorn Run	West Branch Susquehanna River	Headwaters to confluence with UNT at RM 1.70
Clearfield	Hogback Run	West Branch Susquehanna River	Headwaters to mouth
Centre	Romola Branch	Marsh Creek	Headwater to mouth
Snyder	UNT to Middle Creek (Paxtonville)	Middle Creek	Headwaters downstream to mouth
Clearfield	UNT to Moravian Run (I80)	Moravian Run	Headwaters to mouth
Clearfield	UNT to Moravian Run (Sally's Bottom)	Moravian Run	Headwaters near Wallaceton downstream to mouth
Tioga	Norris Brook	Crooked Creek	Headwaters to Catlin Hollow
Susquehanna	Pigpen Creek	Starrucca Creek	Headwaters to mouth
Susquehanna	Roaring Run	Starrucca Creek	Headwaters to mouth
Tioga	Root Hollow	Norris Brook	Headwaters to mouth
Tioga	Spoor Hollow	Norris Brook	Headwaters to mouth
Tioga	Sweet Hollow	Norris Brook	Headwaters to mouth
Pike	Birchy Creek	Shohola Creek	Headwaters downstream to mouth

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Pike	Burchards Creek	Taylortown Creek	0.6 km upstream St. Forest border downstream to Taylortown Creek
Lehigh	Catasauqua Creek	Lehigh River	East Woods Street Bridge downstream to former Lehigh Canal
Carbon	Long Run	Lehigh River	Headwaters downstream to mouth
Pike	Shohola Creek	Delaware River	Downstream border SGL#180 downstream to mouth
Pike	Taylortown Creek	Balliard Creek	Headwaters downstream to backwaters of Lake Greeley
Carbon	UNT to Lehigh River (RM 49.95 Glen Onoko Falls)	Lehigh River	Headwater downstream to mouth
Wayne	UNT To Sherman Creek (Gardinier Corners)	Sherman Creek	Waterfall near upstream boundary SGL#70 downstream to mouth
Lehigh	UNT to Trout Creek (RM 2.74 Old Mill Road)	Trout Creek	Headwaters downstream to mouth
Pike	Van Campen Brook	Delaware River	National Recreation Area downstream to mouth
Chester	Black Horse Creek	Marsh Creek Lake	Headwaters downstream to Marsh Creek Lake
Schuylkill	Mahannon Creek	Schuylkill River	Headwaters downstream to SR 0061
Schuylkill	Mahonney Creek	Mahannon Creek	Headwaters downstream to point 370 m. downstream of Berry Road (T-687) / East 2nd Mountain Road Jct.
Schuylkill	Mill Creek	Schuylkill River	St. Clair sewage treatment plant discharge downstream to mouth (Port Carbon)
Bucks	Paunacussing Creek	Delaware River	Headwaters downstream to Old Carversville Road (T-378)
Chester	Pigeon Run	Pickering Creek	Headwaters downstream to mouth
Chester	Pine Creek	Pickering Creek	Headwaters downstream to mouth near Chester Springs village
Lancaster	UNT to Hammer Creek	Hammer Creek	Headwaters downstream to mouth in Speedwell Forge County Park
Schuylkill	UNT to Schuylkill River (at Middleport)	Schuylkill River	Headwaters downstream to confluence with Schuylkill River along north bank in Middleport
Cumberland	Hunters Run	Mountain Creek	Headwaters downstream to mouth
Cumberland	Iron Run	Mountain Creek	Headwaters downstream to mouth
Perry	Perry Furnace Run	Sherman Creek	Headwaters downstream to mouth
Cumberland	Sage Run	Laurel Lake	Headwaters downstream to mouth
Cumberland	Tagg Run	Mountain Creek	Headwaters downstream to mouth
Perry	UNT to Bull Run	Bull Run	Headwaters downstream to mouth
Cumberland	UNT to Cedar Run	Cedar Run	Headwaters downstream to mouth
Perry	UNT to Fishing Run	Fishing Run	Headwaters downstream to mouth
Somerset	UNT to North Branch Jennings Run	North Branch Jennings Run	Headwaters downstream to mouth
Somerset	UNT to North Branch Jennings Run	North Branch Jennings Run	Headwaters downstream to mouth
Perry	UNT to Sherman Creek	Sherman Creek	Headwaters downstream to mouth
Somerset	Crab Run	Laurel Hill Creek	Headwaters downstream to mouth
Somerset	Gross Run	Laurel Hill Creek	Headwaters downstream to mouth
Fayette	Mcintire Run	Big Sandy Creek	Headwaters downstream to mouth

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Somerset	Paddytown Hollow	Laurel Hill Creek	Headwaters downstream to mouth
Fayette	Patterson Run	Laurel Run	Headwaters downstream to PA/WV Stateline
Somerset	Smith Hollow	Laurel Hill Creek	Headwaters downstream to mouth
Somerset	Spruce Run	Laurel Hill Creek	Headwaters downstream to mouth
Somerset	Whipkey Run	Laurel Hill Creek	Headwaters downstream to mouth

The Commission also will consider the following adjustments to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
McKean	Schoolhouse Hollow	Willow Creek	PA/NY Stateline downstream to mouth
Warren	South Branch State Line Run	State Line Run	Headwaters downstream to PA/NY Stateline
Warren	Storehouse Run	Conewango Creek	PA/NY Stateline downstream to mouth
Clearfield	Deer Creek	West Branch Susquehanna River	Headwaters downstream to confluence with UNT 17973
Lycoming	Mill Creek (Montoursville)	Loyalsock Creek	Headwaters downstream to mouth
Susquehanna	Apalachin Creek	North Branch Susquehanna River	Headwaters downstream to Stateline
Susquehanna	Deep Hollow Brook	North Branch Hemlock Creek	Headwaters downstream to Stateline
Bradford	Seeley Creek	Chemung River	Headwaters downstream to Stateline
Wayne	Sherman Creek	West Branch Delaware River	Headwaters downstream to PA/NY Stateline
Wayne	Starboard Creek	Sherman Creek	PA/NY Stateline downstream to mouth
Wayne	West Branch Delaware River	Delaware River	PA/NY Stateline downstream to confluence with East Branch Delaware River
Schuylkill	Bear Creek	Schuylkill River	Headwaters downstream to T-676 (Woodland Drive)
Berks	Furnace Creek	Little Manatawny Creek	Headwaters downstream to mouth
Lancaster	Hammer Creek	Cocalico Creek	Unnamed tributary at Buffalo Springs downstream to slackwater of Speedwell Forge Lake
Berks	Ironstone Creek	Manatawny Creek	Headwaters downstream to SR 2049
Berks	Little Manatawny Creek	Manatawny Creek	Headwaters downstream to mouth
Montgomery	Manatawny Creek	Schuylkill River	Headwaters downstream to SR 0562 at Earlville
Montgomery	West Branch Perkiomen Creek	Green Lane Reservoir	Headwaters downstream to slackwater of Green Lane Reservoir
Somerset	Laurel Run	Wills Creek	PA/MD Stateline downstream to mouth
Somerset	North Branch Jennings Run	Out of state	First UNT North of Wellersburg downstream to PA/MD Stateline

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, February 25, 2010, and announced the following:

*Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective February 24, 2010:*

Department of Revenue #15-446: Clothing (amends 61 Pa. Code § 53.1)

Environmental Quality Board #7-436: Blue Eye Run, et al. (Water Quality Network (WQN) Package); Stream Redesignations (amends 25 Pa. Code Chapter 93)

*Action Taken—Regulations Approved:*

Environmental Quality Board #7-434: Environmental Laboratory Accreditation (amends 25 Pa. Code Chapter 252)

Department of Community and Economic Development #4-91: Industrialized Housing (amends 12 Pa. Code Chapter 145)

State Board of Osteopathic Medicine #16A-5322: Reduction of Biennial Fee for Osteopathic Physicians (amends 49 Pa. Code § 25.231)

State Employees' Retirement Board #31-11: Death Benefits (amends 4 Pa. Code § 249.7)

Department of Transportation #18-413: Interstate Motor Carrier Safety Requirements (amends 67 Pa. Code Chapter 229)

Department of Transportation #18-414: Intrastate Motor Carrier Safety Requirements (amends 67 Pa. Code Chapter 231)

\* *Action Taken—Regulation Disapproved: Order Not Yet Issued*

\* State Board of Funeral Directors #16A-4816: Preneed Activities of Unlicensed Employee

\* Will advise when order is issued.

## Approval Order

Public Meeting held  
February 25, 2010

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

*Environmental Quality Board—  
Environmental Laboratory Accreditation;  
Regulation No. 7-434 (#2770)*

On June 5, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 252. The proposed regulation was published in the June 20, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 25, 2010.

This final-form regulation updates existing regulations to address provisions that are unclear, overly restrictive or cost prohibitive.

We have determined this regulation is consistent with the statutory authority of the Board (27 Pa.C.S. §§ 4103(a), 4104(1) and 4105(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting held  
February 25, 2010

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

*Department of Community and Economic  
Development—Industrialized Housing;  
Regulation No. 4-91 (#2776)*

On July 20, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Community and Economic Development (Department). This rulemaking amends 12 Pa. Code Chapter 145. The proposed regulation was published in the August 1, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 14, 2010.

This rulemaking will bring Chapter 145 into greater consistency with current standards and practices. It also includes a new provision that will require a factory to seek approval from the Department before it changes from one evaluation or inspection agency to another. This will allow these agencies to perform evaluation and inspection services without the fear of losing a client as a result of enforcing regulatory requirements.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. § 1651.5) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting held  
February 25, 2010

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

*State Board of Osteopathic Medicine—  
Reduction of Biennial Fee for Osteopathic  
Physicians; Regulation No. 16A-5322 (#2816)*

On January 14, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends 49 Pa. Code § 25.231.

Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final regulation decreases the biennial renewal fees for osteopathic physicians from \$440 to \$220.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 271.13a(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
February 25, 2010

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

*State Employees' Retirement Board—  
Death Benefits;  
Regulation No. 31-11 (#2668)*

On January 18, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Employees' Retirement Board (Board). This rulemaking amends 4 Pa. Code § 249.7. The proposed regulation was published in the February 2, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 14, 2010.

This final-form regulation clarifies that a nomination of beneficiary must be in writing on a form supplied by the Board.

We have determined this regulation is consistent with the statutory authority of the Board (71 Pa.C.S. § 5902(h)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
February 25, 2010

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

*Department of Transportation—  
Interstate Motor Carrier Safety Requirements;  
Regulation No. 18-413 (#2744)*

On February 10, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 229. The proposed regulation was published in the February 21, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 22, 2010.

This final-form regulation makes numerous changes to the Department's Motor Carrier Safety Requirements in order to align them with the requirements of the Federal Motor Carrier Safety Assistance Program for interstate carriers.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 4704 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
February 25, 2010

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

*Department of Transportation—  
Intrastate Motor Carrier Safety Requirements;  
Regulation No. 18-414 (#2745)*

On February 10, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 231. The proposed regulation was published in the February 21, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 22, 2010.

This final-form regulation makes numerous changes to the Department's Motor Carrier Safety Requirements in order to align them with the requirements of the Federal Motor Carrier Safety Assistance Program for intrastate carriers.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 4704 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 10-479. Filed for public inspection March 12, 2010, 9:00 a.m.]

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### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in 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, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-60	Liquor Control Board Responsible Alcohol Management Program	2/25/10	4/8/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-480. Filed for public inspection March 12, 2010, 9:00 a.m.]

the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-482. Filed for public inspection March 12, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Increase in Underwriting Authority of a Domestic Stock Casualty Insurance Company: Triumphe Casualty Company

Triumphe Casualty Company (Triumphe), a domestic stock casualty insurance company, has filed an application to increase its classes of underwriting authorities. The classes of insurance that Triumphe has applied to add are as mentioned in 40 P.S. §§ 382(c)(8) Water Damage and (c)(9) Elevator.

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert A. Kotal, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax (717) 787-8557 or rkotal@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-481. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Delanco Healthcare—Belmont and Parkside, LP

Delanco Healthcare—Belmont and Parkside, LP has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Centennial Village in Philadelphia, PA. The initial filing was received on February 26, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of June 18, 1984 (40 P.S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from

### The Travelers Indemnity Company, Farmington Casualty Company, The Automobile Insurance Company of Hartford, Connecticut, The Charter Oak Fire Insurance Company, The Phoenix Insurance Company, The Travelers Indemnity Company of America; Homeowners; Rate Revision; Rate Filing

On February 24, 2010 the Insurance Department (Department) received from The Travelers Indemnity Company, Farmington Casualty Company, The Automobile Insurance Company of Hartford, Connecticut, The Charter Oak Fire Insurance Company, The Phoenix Insurance Company and The Travelers Indemnity Company of America a filing for a rate level change for homeowners insurance.

The companies request an overall 3.0% increase amounting to \$4,174,876 annually, to be effective July 6, 2010.

Unless formal administrative action is taken prior to March 26, 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 Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-483. Filed for public inspection March 12, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition of PPL Electric Utilities Corporation

**P-2010-2161805. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for a Finding that a building to shelter control equipment at the Schoeneck 69-12 kV Substation to be constructed in

Lower Macungie Township, Lehigh 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 29, 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

Christopher T. Wright, Esquire, John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-484. Filed for public inspection March 12, 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 29, 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-2010-2151839. Universal Corporate Enterprises, LLC** (419 Radix Road, Williamstown, Gloucester County, NJ 08094)—a limited liability corporation of the State of New Jersey—in limousine service, from points in Montgomery, Bucks, Delaware and Chester Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Alan M. Brecht, 850 South 2nd Street, Philadelphia, PA 19147.

**A-2010-2155992. Esperanza Hernando** (C/O Transportation For Seniors, P. O. Box 96503, No. 92611, Washington, DC 20090-6503)—in call or demand service, in the

Counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon and Perry, all within the Commonwealth.

**A-2010-2161994. Adventure Limousine, LLC** (2024 South Forge Road, Palmyra, Lebanon County, PA 17078)—a limited liability corporation of the Commonwealth—in limousine service, from points in Lebanon, Lancaster and Dauphin Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as a common carrier for transportation of persons as described under the application.**

**A-2010-2161923. Javy Enterprises, Inc., t/a Adonis Limousines** (1300 Merchant Street, Ambridge, Beaver County, PA 15003)—a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Allegheny, Beaver, Butler and Lawrence, to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as a common carrier for the transportation of household goods as described under the application.**

**A-2010-2162077. Barry Mills Moving and Hauling, LLC** (155 Simpson Road, Ardmore, Montgomery County, PA 19003)—a limited liability corporation of the Commonwealth—household goods in use, from points in Montgomery County, to points in Pennsylvania, and vice versa.

**Application of the following for approval to begin operating as a contract carrier for transportation of persons as described under the application.**

**A-2010-2162045. Maxwell Transit Systems, Inc.** (421 Transit Lane, Hollidaysburg, Blair County, PA 16648)—a corporation of the Commonwealth—persons for the Blair County Medical Assistance Transportation Program (MATP), from points in Blair County, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Chestnut Hill Limousine and Coach Company; Doc. No. C-2010-2126075*

### CORRECTED 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 Chestnut Hill Limousine and Coach Company, respondent, maintains a principal place of business at 4975 Swamp Road, Suite 2, Fountainville, PA 18923.

2. That respondent was issued a Certificate of Public Convenience by this Commission on December 3, 1991, at A-0008925 for limousine authority.

3. That respondent was advised by letter dated March 23, 2009, that its current tariff on file with this Commission does not comply with 52 Pa. Code § 29.334 in that respondent's limousine rates are not based solely on time. Additionally, the initial time period and each subsequent increment must be at least 30 minutes. Respondent was provided 30 days to file an acceptable revised tariff. To date, respondent has not filed an acceptable tariff.

4. That respondent, by failing to file a tariff with its limousine rates based solely on time with a minimum of 30 minute time periods and increments, violated 52 Pa. Code § 29.334. The penalty is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Chestnut Hill Limousine and Coach Company the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the 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 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 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 days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Pennsylvania Public Utility Commission  
Bureau of Transportation and Safety  
Compliance Office  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine 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 an acceptable tariff and payment of the proposed fine, 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 to 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. Martha A. Blackmon, t/a  
Need-A-Ride Transportation Co.; Doc. No. C-2010-2113007*

#### 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 Martha A. Blackmon, t/a Need-A-Ride Transportation Co., respondent maintains her principal place of business at 1217 Masters Lane, Greenville, North Carolina 27834-8066.

2. That respondent was issued certificates of public convenience by this Commission on April 9, 1985, at Application Docket No. A-00105474, F. 1 for paratransit authority, and on February 26, 1987, at Application Docket No. A-00105474, F. 2 for airport transfer authority.

3. On May 27, 2009, Enforcement Officer Charles Myers contacted Martha Blackmon, owner, to conduct her annual safety inspection. Ms. Blackmon advised Officer Myers that Need-A-Ride Transportation Co. has not been active in the airport transfer carrier portion of her business for a number of years and does not know when she will enter it again. Respondent abandoned or discontinued airport transfer service without having submitted an application with this Commission to discontinue service.

4. That respondent, by failing to file an application to discontinue airport transfer service with this Commission, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Martha A. Blackmon, t/a Need-A-Ride Transportation Co.'s certificate of public convenience at A-00105474, F. 2, 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 days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. If you file an answer which either 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.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. 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. 10-485. Filed for public inspection March 12, 2010, 9:00 a.m.]

#### **Telecommunications Services**

Application of Metropolitan Telecommunications Corporation, d/b/a MetTel for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the following service territories:

Citizens Telecommunications Company of New York, Inc.  
Docket No. A-2010-2161948  
Frontier Communications Commonwealth Telephone Company, LLC  
Docket No. A-2010-2161951  
Frontier Communications of Breezewood, LLC  
Docket No. A-2010-2161952  
Frontier Communications of Canton, LLC  
Docket No. A-2010-2161954  
Frontier Communications of Lakewood, LLC  
Docket No. A-2010-2161955  
Frontier Communications of Oswayo River, LLC  
Docket No. A-2010-2161956  
Frontier Communications of Pennsylvania, LLC  
Docket No. A-2010-2161957  
Windstream Pennsylvania, LLC  
Docket No. A-2010-2161958

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 29, 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:* Metropolitan Telecommunications Corporation, d/b/a MetTel

*Through and By Counsel:* David Aronow, 55 Water Street, 31st Floor, New York, NY 10041, (212) 607-2146, fax (212) 701-8346

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 10-486. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Tentative Order

Public Meeting held  
February 25, 2010

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli, Commissioner; Wayne E. Gardner, Commissioner; Robert F. Powelson, Commissioner

*Law Bureau Prosecutory Staff v. Exergy Group, LLC;*  
*Doc. No. C-2009-2130645*

### Tentative Order

*By the Commission:*

Exergy Group, LLC (the Respondent) has failed to file its 2007 Annual Report with the Commission. Failure to file an annual report violates 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Law Bureau Prosecutory filed a complaint at the above docket number for failure to file the 2007 Annual Report. However, the United States Postal Service was unable to deliver the complaint because it was unclaimed and returned it to the Commission.

Exergy Group, LLC was issued a certificate of public convenience by the Commission as a reseller of toll services. Based upon the failure of Exergy Group, LLC to file its 2007 Annual Report, and its failure to provide current contact information with the Commission, we tentatively conclude that revocation of Exergy Group, LLC's certificate of public convenience is in the public interest.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301; *Therefore,*

*It Is Ordered That:*

1. Revocation of Exergy Group, LLC's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Exergy Group, LLC at A-311246 will be cancelled by the Secretary's Bureau, and Exergy Group, LLC's name will be stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 10-487. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Tentative Order

Public Meeting held  
February 25, 2010

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli, Commissioner; Wayne E. Gardner, Commissioner; Robert F. Powelson, Commissioner

*Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Barkeyville Gas Co. (2007 Annual Rpt); C-2009-2130642; A-120010*

### Tentative Order To Revoke Certificate of Public Convenience

*By the Commission:*

On September 16, 2009, the Law Bureau Prosecutory Staff filed a Formal Complaint against Barkeyville Gas Co., (Respondent) a gas utility certificated at A-120010. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to Respondent that pursuant to 66 Pa.C.S. § 504 its 2007 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2007 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty of up to \$1,000 for each violation and for each day's continuation of such violation for failure to file its 2007 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on September 21, 2009. To date, more than 20 days later, no answer has been filed to the Complaint and the 2007 Annual Report has not been filed. The Respondent similarly failed to file its 2006 Annual Report or to pay the \$1,000 civil penalty that was imposed on it by Default Order entered March 18, 2009.

Prosecutory Staff, however, has since learned through its investigative efforts that Respondent has never existed; that it has no customers, and that it has never put distribution pipelines into the ground to serve customers. Under these facts, we tentatively conclude that revoking Respondent's certificate of public convenience rather than issuing another fine under section 3301 for noncompliance is in the public interest.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504—506 and 3301; *Therefore,*

*It Is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Revocation of Barkeyville Gas Co.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

3. The Secretary serve a copy of this Tentative Order upon Barkeyville Gas Co., the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

4. The absence of filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

5. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Barkeyville Gas Co. at A-120010 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Sections of the Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-488. Filed for public inspection March 12, 2010, 9:00 a.m.]

### Transmission Rates

**P-2010-2158084. West Penn Power Company, d/b/a Allegheny Power.** Petition of West Penn Power Company, d/b/a Allegheny Power to change transmission rates to a single kilowatt-hour rate structure and to commence reconcilable transmission service charge.

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 petitioner, on or before March 29, 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.

*Petitioner:* West Penn Power Company

*Through and By Counsel:* John L. Munsch, Allegheny Energy, 800 Cabin Hill Drive, Greensburg, PA 15601-1689

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-489. Filed for public inspection March 12, 2010, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Kervin Weaver 59 Short Lane Fleetwood, PA 19522	Berks County Richmond Township	217.5	Broilers	New	Approved
Apple Shamrock Dairy Farms, LLC 32821 Guys Mill Road Townville, PA 16360	Crawford County Steuben Township	0	Cattle	New	Approved
Dale Hess 768 Oxford Road New Oxford, PA 17350	Adams County Oxford Township	0	Layers	New	Approved

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-490. Filed for public inspection March 12, 2010, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. Rosalyn D. Hutchings, t/d/b/a Glorious Dreams Realty; File No. 06-56-09472

On September 29, 2009, Rosalyn D. Hutchings, t/d/b/a Glorious Dreams Realty, license nos. AB061495L and RB061495L, of Effort, Monroe County, had her licenses revoked and assessed a \$16,000 civil penalty based on her making a substantial misrepresentation; for engaging in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetence; for failing to deal honestly and in good faith; for failing to maintain deposit moneys in a separate custodial or trust fund account; for misappropriating money that is required to be held in escrow; for failing to account for the \$21,000 deposit after being ordered to pay the deposit money into court during civil litigation; for commingling money that is required to be held in escrow with business, personal or other funds; for failing to put all contracts, commitments and agreements in writing; for performing a service for a consumer of real estate services for a fee, commission or other valuable consideration in

the absence of a written agreement, signed by the consumer, setting forth the nature of the service and the fee to be charged; for failing to deposit rents received into a rental management account that is separate from the broker's escrow account and general business accounts; and for failing to account in a timely manner to her client for the security deposit that she collected from her client's tenant.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Real Estate Commissioner's (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Commission with a copy of their petition for review. The agency contact for receiving service of the appeals is the previously-named Board Counsel.

MICHAEL WEISS,  
*Chairperson*

[Pa.B. Doc. No. 10-491. Filed for public inspection March 12, 2010, 9:00 a.m.]





