

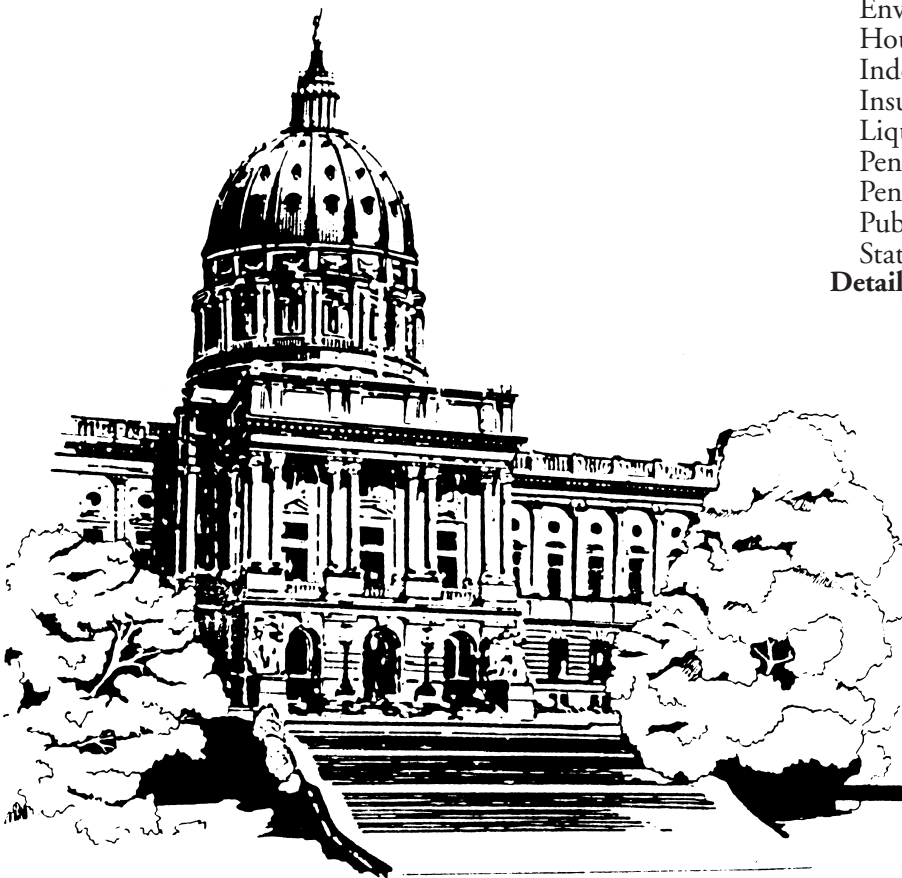
PENNSYLVANIA BULLETIN

Volume 40
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Agencies in this issue

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Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of Health
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Department of Transportation
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Housing Finance Agency
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Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Pennsylvania Stimulus Oversight Commission
Public School Employees' Retirement Board
State Board of Chiropractic

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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 424, March 2010

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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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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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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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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

**In Re: Clerk of Quarter Sessions; President Judge
Administrative Order; No. 2010-2**

Order

And Now, this 4th of March, 2010, *It Is Hereby Ordered* and *Decreed* that effective March 4, 2010:

Pursuant to the Order of the Supreme Court directing that the First Judicial district absorb all duties and functions of the Office of Clerk of Quarter Sessions, it is hereby ordered that Joseph Evers, Prothonotary, be appointed as manager and appointing authority for all personnel and functions of the said Clerk's office.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge

[Pa.B. Doc. No. 10-543. Filed for public inspection March 26, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

In Re: Order Designating the Chief Juvenile Probation Officer under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 174 Misc. 2010

Administrative Order

And Now, this 4th day of March, 2010, pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b), the President Judge hereby appoints the Chief Juvenile Probation Officer of Beaver County as the designee to receive reports of a foster parent, pre-adoptive parent or relative providing care for a child, submitted regarding a child's adjustment, progress and condition for view by the Court in dependency hearings.

The report to the herein-appointed designee shall be submitted at least seven (7) days prior to the hearing. The Chief Juvenile Probation Officer, upon receipt, shall promptly distribute the report to the Judge before whom

the hearing will be held, no later than one (1) business day prior to the scheduled hearing. The Chief Juvenile Probation Officer shall further file a copy of the report with the juvenile records and distribute copies to the attorneys, to the parties, and, if one is appointed, to the Court-Appointed Special Advocate.

This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

HONORABLE JOHN D. McBRIDE,
President Judge

[Pa.B. Doc. No. 10-544. Filed for public inspection March 26, 2010, 9:00 a.m.]

CARBON COUNTY

In Re: Central Booking Fee; Criminal and Juvenile Divisions; No. CP-13-AD-0000003-2010

Administrative Order No. 8-2010

And Now, this 12th day of March, 2010, pursuant to the adoption and approval of a countywide booking center plan as required by 42 Pa.C.S.A. § 1725.5, it is hereby

Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, every adult person *Shall Be Assessed* a central booking fee of one hundred dollars (\$100.00) as follows:

1. Any person who is placed on probation without verdict pursuant to Section 17 of the Act of April 14, 1972 (P. L. 233, No. 64) known as The Controlled Substance, Drug, Device and Cosmetic Act.

2. Any person who receives Accelerated Rehabilitative Disposition for, pleads guilty to or *nolo contendere* to or is convicted of a crime under 18 Pa.C.S.A. § 106(a) (relating to classes of offenses), 75 Pa.C.S.A. § 3735 (relating to homicide by vehicle while driving under influence), 75 Pa.C.S.A. § 3802 (relating to driving under influence of alcohol or controlled substance), and a violation of The Controlled Substance, Drug, Device and Cosmetic Act.

It Is Further Ordered And Decreed that a reduced rate of seventy-five dollars (\$75.00) *Shall Be Imposed* on adult persons who prepay the assessed cost at the time said electronic fingerprints and photos are taken.

It Is Further Ordered And Decreed that all juvenile delinquent offenders *Shall Be Assessed* a cost of twenty-five dollars (\$25.00) for said electronic fingerprints and photos and private citizens *Shall Be Assessed* a cost of twenty dollars (\$20.00) for all non-criminal electronic fingerprints taken. All Megan law registrants *Shall Not Be Assessed* any electronic fingerprint or photo fee.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) computer diskette and a copy of the written notifications received from the Criminal Procedural Rules Committee and the Juve-

nile Court Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Administrative Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 10-545. Filed for public inspection March 26, 2010, 9:00 a.m.]

FAYETTE COUNTY

In Re: Local Rule 1028(c); Civil Division; No. 565 of 2010 G1

Order

And Now, this 9th day of March, 2010, pursuant to Pennsylvania Rule of Civil Procedure Section 239.5, it is ordered that Fayette County Local Rule of Civil Procedure Section 1028(c) is hereby amended to read as follows and shall become effective upon publication on the AOPC web site at <http://ujportal.pacourts.us/>.

The Prothonotary is directed as follows:

(1) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One certified copy shall be sent to the Fayette County Law Library.

(3) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

By the Court

GERALD R. SOLOMON,
President Judge

Rule 1028(c). Preliminary Objections.

(a) Any party to any proceeding may file preliminary objections to any pleading pursuant to Pa.R.C.P. 1028(a). Such preliminary objections must be filed within twenty (20) days of the service of the pleading to which the moving party is objecting. A timely filing of an amended pleading by the non-moving party shall render the preliminary objections moot in accordance with Pa.R.C.P. 1028(c)(1)(i).

(1) In the event an amended pleading is not timely filed by the non-moving party, the preliminary objections shall be presented in Motions Court as a Priority motion pursuant to FCR 208.3(a) within forty (40) days of the filing of the preliminary objections, accompanied by a proposed Order. The moving party may submit, at the time of presentation, a brief or memorandum of law in support of the preliminary objections and shall serve the same on the non-moving party at least one (1) week prior to the presentation.

(2) If the Court determines that briefs need be submitted, and unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within twenty (20) days from the presentation of the motion, and the briefs of all responding parties shall be served on all other parties and the assigned judge within twenty (20) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary; the brief itself shall not be filed of record.

(3) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate

[Pa.B. Doc. No. 10-546. Filed for public inspection March 26, 2010, 9:00 a.m.]

MONROE COUNTY

Re: Adoption of Monroe Co. R.C.P. 212.5—Mediation

Order

And Now, this 15th day of March, 2010, Monroe County Rule of Civil Procedure 212.5 is adopted to govern the mediation program for civil cases in the Court of Common Pleas of Monroe County. The adoption of Monroe Co. R.C.P. 212.5 shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order and Local Rule shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies and diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania. One (1) copy shall be forwarded to the *Monroe County Legal Reporter* for publication. Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

By the Court

RONALD E. VICAN,
President Judge

212.5. Mediation.

(a) Certification of Mediators.

(1) The President Judge shall certify as many mediators as determined to be necessary. It is anticipated that 10 to 15 mediators shall be initially certified.

(2) All mediators will be members of the Monroe County Bar Association.

(3) An attorney may be certified at the discretion of the President Judge as a mediator if:

(i) he or she has been a member of the Pennsylvania bar for a minimum of ten (10) years;

(ii) he or she has been admitted to practice before the Monroe County Court of Common Pleas; and

(iii) he or she has been determined by the President Judge to be competent to perform the duties of a mediator;

(iv) he or she has professional liability insurance in the minimum amount \$100,000 per occurrence and \$300,000 in the aggregate per year; and

(v) he or she has successfully completed a mediation training program approved by the Monroe County Court of Common Pleas.

(vi) The training requirement may be waived by the President Judge when the qualifications and experience of the applicant are deemed sufficient.

(4) The court shall solicit qualified individuals to serve as mediators.

(5) Each individual certified as a mediator shall take the oath or affirmation prescribed by 42 Pa.C.S.A. § 3151 before serving as a mediator.

(6) A list of all persons certified as mediators shall be maintained in the office of the court administrator.

(7) A member of the bar certified as a mediator may be removed from the list of certified mediators by the President Judge for any reason.

(b) Mediator Training.

Unless waived by the President Judge, all mediators shall take at least six hours of instruction in alternative dispute resolution in a program that is eligible for Continuing Legal Education Credit (CLE) for members of the Pennsylvania bar.

(c) Payment of Mediators.

(1) All terms and conditions of the mediator's fee agreement must be set forth in writing. The parties shall pay the mediator directly. The court assumes no responsibility for the supervision or enforcement of the parties' agreement to pay for mediation services.

(2) Any charges relating to the mediator's services shall be shared equally by the parties.

(3) The mediator shall be paid on an hourly basis at the mediator's regular hourly rate or, in the absence of a standard hourly rate, at the rate of \$200.00 per hour. The mediator shall disclose to the parties and/or their attorneys the rate at which his/her charges will be billed.

(4) Prior to the beginning of mediation, the parties shall pay to the mediator a non-refundable fee representing three hours of the mediator's time. This shall be the minimum fee for the mediator's time regardless of whether the mediation is concluded before three hours of time have been expended.

(5) Except as provided herein, a mediator shall not accept anything of value from any source for services provided under the court-annexed mediation program.

(d) Types of Cases Eligible for Mediation.

Every civil action filed in the Monroe County Court of Common Pleas is eligible for mediation except any case which the assigned judge determines, after application by any party or by the mediator, is not suitable for mediation.

(e) Mediation Conference Scheduling.

(1) When the court makes a determination that referral to mediation is appropriate, it shall issue an order referring the case to mediation, appointing the mediator, directing the mediator to establish the date, time and place for the mediation session and setting forth the name, address, and telephone number of the mediator. The order will also direct the mediator to fix the date for the initial mediation session to be a date within sixty (60) days from the date of the order of referral unless otherwise extended by the court.

(2) The mediation session shall be held before a mediator selected by the assigned judge from the list of mediators certified by the President Judge.

(3) The court administrator shall provide the mediator with a current docket sheet.

(4) The mediator shall advise the court administrator as to which documents in the case file the mediator desires copies of for the mediation session. The clerk shall provide the mediator with all requested copies at no charge to the mediator. However, the assigned Judge, in his or her discretion, may require that the parties share in the cost of providing the necessary copies.

(5) Any continuance of the mediation session beyond the period prescribed in the referral order must be approved by the assigned judge.

(6) A person selected as a mediator shall be disqualified for bias or prejudice as if he or she were a district justice or judge. A party may assert the bias or prejudice of an assigned mediator by filing an affidavit with the assigned judge stating that the mediator has a personal bias or prejudice. The judge may in his or her discretion end alternative dispute resolution efforts, refer the case to another mediator, refer the case back to the original mediator or initiate another alternative dispute resolution mechanism.

(f) The Mediation Session and Confidentiality of Mediation Communications.

(1) The mediation session shall take place as directed by the court and the assigned mediator. The mediation session shall take place in a neutral setting designated by the mediator.

(2) To the extent that space is available and the Executive Board of the Monroe County Bar Association agrees, the mediator may schedule the mediation at the offices of the Monroe County Bar Association, which shall be entitled to charge a reasonable fee for use of its facilities.

(3) The parties shall not contact or forward documents to the mediator except as directed by the mediator or the court.

(4) Prior to the Mediation, the parties and/or their attorneys shall be required to prepare and submit a Confidential Position Paper disclosed only to the mediator in the format attached or as modified by the mediator or the assigned judge. The Confidential position paper shall not become a part of the court record and shall be destroyed at the conclusion of the mediation.

(5) If the mediator determines that no settlement is likely to result from the mediation session, the mediator shall terminate the session and promptly thereafter file a report with the assigned Judge stating that there has been compliance with the requirements of mediation in accordance with the local rules, but that no settlement has been reached.

(6) In the event that a settlement is achieved at the mediation session, the mediator shall file a report with the assigned Judge stating that a settlement has been achieved. The order of referral may direct the mediator to file the report in a specific form.

(7) Unless stipulated in writing by all parties and the mediator or except as required by law or otherwise ordered by the court, all discussions which occur during mediation shall remain strictly confidential and no communication at any mediation session (including, without limitation, any verbal, nonverbal or written communica-

tion which refers to or relates to mediation of the pending litigation) shall be disclosed to any person not involved in the mediation process, and no aspect of the mediation session shall be used by anyone for any reason.

(8) No one shall have a recording or transcript made of the mediation session, including the mediator.

(9) The mediator shall not be called to testify as to what transpired in the mediation.

(10) Prior to the beginning of the mediation, all parties and their attorneys shall be required to sign a form developed by the Court in which the parties agree:

(i) to the terms of the mediation; and

(ii) to waive any professional liability claims that they might assert against the mediator, the assigned Judge, the Court of Common Pleas of the 43rd Judicial District, or Monroe County, as a result of their participation in the mediation process.

(g) Duties of Participants at the Mediation Session.

(1) Parties. All named parties and their counsel are required to attend the mediation session, participate in good faith and be prepared to discuss all liability issues, all defenses and all possible remedies, including monetary and equitable relief. Those in attendance shall possess complete settlement authority, independent of any approval process or supervision, except as set forth in subparagraphs (A) and (B) below.

Unless attendance is excused under paragraph (d), willful failure to attend the mediation session will be reported by the mediator to the court and may result in the imposition of sanctions.

(A) Corporation or Other Entity. A party other than a natural person (e.g. a corporation or association) satisfies this attendance requirement if represented by a person (other than outside counsel) who either has authority to settle or who is knowledgeable about the facts of the case, the entity's position, and the policies and procedures under which the entity decides whether to accept proposed settlements.

(B) Government Entity. A unit or agency of government satisfies this attendance requirement if represented by a person who either has authority to settle or who is knowledgeable about the facts of the case, the government unit's position, and the policies and procedures under which the governmental unit decides whether to accept proposed settlements. If the action is brought by or defended by the government on behalf of one or more individuals, at least one such individual also shall attend.

(2) Counsel. Each party shall be accompanied at the mediation session by the attorney who will be primarily responsible for handling the trial of the matter.

(3) Insurers. Insurer representatives are required to attend in person unless excused under paragraph (d), below, if their agreement would be necessary to achieve a settlement. Insurer representatives shall possess complete settlement authority, independent of any approval process or supervision.

(4) Request to be Excused. A person who is required to attend a mediation session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than ten (10) days before the date set for the mediation, a written request to the mediator, simultaneously copying all counsel. The written request shall set forth all considerations that support the request

and shall indicate whether the other party or parties join in or object to the request. A proposed order prepared for the signature of the Judge shall be submitted to the mediator with the request. The mediator shall promptly consider the request and shall submit the proposed order to the Judge with a recommendation that the request be granted or denied. In the absence of an order excusing attendance, the person must attend.

Where an individual requests to be excused from personal participation at the mediation, a preference shall be given to attending by telephone at the expense of the excused party rather than complete excusal from the mediation.

(h) Use of mediators for Private Employment.

The Monroe County Bar Association shall maintain a copy of the list of mediators certified by the President Judge. To the extent agreed to by the individual mediators, the list of mediators may be made available to litigants to hire for alternative dispute resolution including arbitrations and mediations. To the extent that the certified mediators are privately hired, the mediators shall make direct arrangements for compensation with the hiring litigants and the work they perform shall not be governed by the rules of the court-annexed mediation program.

Appendix A: Form for Confidential Position Paper

Confidential Position Paper

Case Caption:

Docket #:

Assigned Judge:

Date of Report:

A. Summary of Critical Facts

B. Insurance Coverage

C. Prior demands and offers of settlement

D. Issues That May Assist The Mediator

[Pa.B. Doc. No. 10-547. Filed for public inspection March 26, 2010, 9:00 a.m.]

SOMERSET COUNTY

In Re: Consolidated Rules of Court; No. 11 Miscellaneous 2010

Adopting Order

Now, this 12th day of March, 2010, it is hereby *Ordered*:

1. The following designated Somerset County Rule of Civil Procedure 2056 (Som.R.C.P. 2056) Procedure When Incapacity of a Party is Ascertained by Magisterial District Judge, a copy of which is attached hereto, is hereby adopted as a Rule of this Court effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD-ROM, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

is being requested herewith at least twenty (20) days prior to this date, and Plaintiff has been advised by counsel for Defendant or Southwestern Pennsylvania Legal Services of the institution of the sixty (60) day stay of proceedings based on Defendant's compliance there-with.

Plaintiff/Counsel for Plaintiff

Dated: _____

[Pa.B. Doc. No. 10-549. Filed for public inspection March 26, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that David Moore Thomas, having been disbarred from the practice of law in the State of Maryland by Opinion and Order of the Court of Appeals of Maryland filed June 10, 2009, the Supreme Court of Pennsylvania issued an Order on March 12, 2010, disbaring David Moore Thomas, from the Bar of this Commonwealth, effective April 11, 2010. In accordance with Rule 217(f), Pa.R.D.E., since this formerly

admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-550. Filed for public inspection March 26, 2010, 9:00 a.m.]

SUPREME COURT

In Re: Office of the Clerk of Quarter Sessions of Philadelphia; Judicial Administration; No. 342

Order

And Now, this 3rd day of March, 2010, in order to streamline the operations of the First Judicial District of Pennsylvania, effective March 4, 2010, 9:00 a.m. all duties and functions of the office of Clerk of Quarter Sessions of Philadelphia shall be absorbed and assumed by the First Judicial District of Pennsylvania.

For the Court

RONALD D. CASTILLE,
President Judge

[Pa.B. Doc. No. 10-551. Filed for public inspection March 26, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 23]

Acceptance of Rulemaking Petition for Study

On March 16, 2010, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board Policy for processing petitions—statement of policy). The petition, submitted by the Stephenson Group Natural Gas Company, requests the amendment of 25 Pa. Code §§ 78.51 and 78.52 (relating to protection of water supplies; and predrilling or prealteration survey) to clarify procedures a well operator must adhere to in order to rebut the presumption of liability for contamination of a water supply within 1,000 feet of a proposed well. Under the Oil and Gas Act (58 P.S. §§ 601.101—601.605), a well operator is presumed to have contaminated a water supply if a well is drilled within 1,000 feet of a water supply and the supply becomes contaminated within 6 months. An operator can rebut the presumption of liability if the operator took a sample from the water supply prior to drilling and the test results show that the condition preexisted drilling, or the owner of the water supply refused to grant the operator access to test the supply. The petitioner claims that it is problematic if not difficult to ascertain the ownership or the right of a purveyor of a water supply, thus making it difficult to notify these parties. The petitioner proposes to amend 25 Pa. Code Chapter 78 (relating to oil and gas wells) to add a provision that would “deem” the well operator to have been refused access to test the supply if the operator sends two separate certified letters to the water supply owner and the owner either refuses to accept the letters or the letters are unclaimed or are undeliverable.

In lieu of proceeding with § 23.6 (relating to notice of acceptance and Department report) of the Board’s Policy for Processing Petitions, which requires the Department of Environmental Protection (Department) to prepare a report evaluating the petition within 60 days, the Department will review the petitioner’s suggested amendments as it proceeds with a proposed rulemaking to amend Chapter 78. At 40 Pa.B. 623 (January 30, 2010), the Department requested comments on proposed changes to regulations it is developing for Chapter 78 regarding the construction of oil and gas wells. As the Department proceeds with amendments to Chapter 78, it will address the petitioner’s recommendations within the proposed rulemaking package.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is accessible on the Department’s web site www.depweb.state.pa.us (select “Public Participation;” “Public Participation Center;” “Environmental Quality Board;” “Meeting/Agendas Handouts/Minutes;” “March 16, 2010”).

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-552. Filed for public inspection March 26, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Withdrawal of Advance Notice of Proposed Rulemaking Order

Public Meeting held
February 25, 2010

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Statement; Kim Pizzigrilli; Wayne E. Gardner; Robert F. Powelson

Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 pertaining to adding Neutral Connection Inspection and Maintenance Standards for the Electric Distribution Companies; Doc. No. L-2008-2044821

Order

By the Commission:

On May 22, 2008, the Commission entered a Final Rulemaking Order at L-00040167 which promulgated regulations in 52 Pa. Code § 57.198, establishing inspection, maintenance, repair and replacement standards for electric distribution companies (EDCs). See 38 Pa.B. 4393 (August 9, 2008). The Final Rulemaking Order improved the Commission’s ability to monitor EDC service reliability and safety. Specifically, the Commission now receives biennial inspection, maintenance, repair, and replacement plans that should conform to minimum standard intervals set forth in § 57.198(n).

Concurrently, based upon two consumer complaints involving the failure of neutral connectors,¹ this Commission determined that the issue of whether EDCs should be subject to specific inspection and maintenance standards regarding neutral connections should be evaluated. Specifically, the Commission approved Commissioner Tyrone J. Christy’s Motion to consider additional standards for the inspection, maintenance and repair of neutral connections by opening a new rulemaking proceeding. An Advance Notice of Proposed Rulemaking was entered on July 21, 2008, soliciting comments on the EDCs’ current practices regarding the inspection, maintenance, repair and replacement of neutral connections and on whether the Commission should establish standards governing neutral connections within 52 Pa. Code Chapter 57. It was published for comments in the *Pennsylvania Bulletin* on August 9, 2008. Comments were filed by the Office of Consumer Advocate (OCA), the Energy Association of Pennsylvania (EAP), PPL Electric Utilities Corporation (PPL), PECO Energy Company (PECO), Duquesne Light Company (Duquesne Light), West Penn Power Company, d/b/a Allegheny Power (Allegheny Power), Wellsboro Electric Company (Wellsboro), Citizens’ Electric Company (Citizens’), and Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), and Pennsylvania Power Company (Penn Power) (collectively “The FirstEnergy Companies”).

In both the *Strickhouser* and *Kelley* cases, the EDCs argued that: neutral connection failure is a natural and foreseeable occurrence caused by corrosion; that 20 years is a reasonable amount of time for a neutral connection to

¹ *Strickhouser v. Metropolitan Edison Company*, Docket No. C-20077273, Order entered Dec. 20, 2007; *Luke Kelley v. Pennsylvania Electric Company*, Docket No. C-20066673, Order entered May 1, 2008.

last; that a bad neutral connection would not be discovered during the EDC's routine maintenance on a circuit because such connections are not visible to the naked eye; that the failure of a neutral connection is identified only after a trouble call is received from a customer; and that it is not practical or feasible for the company to inspect every neutral connection due to the large number of connections on each line. Instead of routinely inspecting and/or replacing neutral connections, the two EDCs relied on customer complaints to identify failed neutral connections.

We questioned whether these practices regarding neutral connection failures are adequate and reasonable.

The Public Utility Code in 66 Pa.C.S. § 2802(20) provides:

(20) Since continuing and ensuring the reliability of electric service depends on adequate generation and on conscientious inspection and maintenance of transmission and distribution systems, the independent system operator or its functional equivalent should set, and the Commission shall set through regulations, inspection, maintenance, repair and replacement standards and enforce those standards.

Additionally, the National Electrical and Safety Code at Section 214A² provides:

A. When in Service

1. Initial Compliance With Rules

Lines and equipment shall comply with these safety rules when placed in service.

2. Inspection

Lines and equipment shall be inspected at such intervals as experience has shown to be necessary.

NOTE: It is recognized that inspections may be performed in a separate operation or while performing other duties, as desired.

3. Tests

When considered necessary, lines and equipment shall be subjected to practical tests to determine required maintenance.

4. Record of Defects

Any defects affecting compliance with this Code revealed by inspection or tests, if not promptly corrected, shall be recorded; such records shall be maintained until the defects are corrected.

5. Remedying Defects

Lines and equipment with recorded defects that could reasonably be expected to endanger life or property shall be promptly repaired, disconnected, or isolated.

In view of Section 2802(20) and the two recent cases addressed by the Commission regarding neutral connections, and since the National Electrical Safety Code stresses the importance of the inspection and maintenance of lines and equipment, this rulemaking proceeding was initiated to consider whether to add inspection and maintenance of neutral connections standards in 52 Pa. Code Chapter 57, relating to electric distribution reliability.

² 66 Pa.C.S. § 2804(1)(ii) requires EDCs to comply with the National Electrical and Safety Code regarding the installation and maintenance of transmission and distribution facilities.

Multiple parties provided comments and reply comments to the following specific topics in the ANOPR Order:

1. Whether standards should be established by the Commission for inspection, maintenance, repair, and replacement of neutral connections so as to avoid unreasonable appliance and other household or business damage to consumers and to assure reasonably continuous electric service. Comments are requested on what, if any, those standards should be.
2. What electric distribution companies' internal inspection and maintenance procedures were in 1995, 2000, and 2007 regarding monitoring the failure rates of their neutral connections, inspecting, maintaining, replacing and repairing those neutral connections.
3. What were the EDCs' internal practices in 1995, 2000, and 2007 regarding the systematic replacement of neutral connections before they failed?
4. Whether a bad neutral connection is visible to the naked eye from the ground as part of a visual inspection. If not, what steps would the EDC have to take to properly inspect a neutral connection?
5. Are there limitations to the physical inspection of a neutral connection? If so, what are they?
6. How lengthy and complicated is a proper neutral connection inspection?
7. What incremental costs would the EDCs incur if required to comply with a neutral connection inspection and maintenance program interval of no less than once every five years for every neutral connection in their service territory?
8. What additional costs would be incurred?
9. What costs would the EDCs incur if required to systematically replace a portion of their neutral connections every year, such that all neutral connections would be replaced on a rolling basis (perhaps every 20 years)?
10. If a systematic replacement program were required, what would be the optimal replacement schedule and why?
11. How many neutral connection failures have the EDCs had per year in their service territories since 1995? What percentage of their overall customer base does this represent?
12. What have the EDCs paid over the past five years annually in compensatory and/or punitive damages to customers who have had property damage and/or personal injury due to failed neutral connections?
13. Whether standards should be placed in the regulations which are specific to each individual EDC, or whether all EDCs should be held to the same standard, and how this would be monitored and regulated.
14. Whether there should be automatic civil penalties written into the regulations for failure to meet standards.
15. Can smart metering/AMI systems provide a means of identifying potential bad or failing neutral connections? If so, what capabilities, specifications and communication channels would be needed to incorporate such diagnostic systems and at what incremental cost, if available?

In general, the commenting parties were opposed to the Commission adopting specific inspection and maintenance standards for neutral connections. Summaries of the comments and reply comments follow.

OCA's Comments

OCA commented on October 8, 2008, that the Commission should establish standards for the inspection, maintenance, repair and replacement of neutral connections if the data provided in response to the ANOPR warrants such an action. OCA stated, "Without knowing the extent of neutral connection failures or the extent that such failures present a safety and reliability risk to customers, it is not possible for the OCA to determine whether standards should be established at this time." OCA Comments, p. 2.

OCA further commented that the Commission must analyze the data concerning each EDC's current maintenance and inspection program, as well as the failure rate data, with regard to neutral connections to determine if standards are necessary and, if so, the proper standard. Cost effectiveness should also be analyzed. OCA is in favor of automatic civil penalties should the Commission adopt standards.

Energy Association of Pennsylvania's Comments

On October 8, 2008, EAP³ commented that a visual inspection of a neutral connection is difficult, costly, and does not necessarily assist in curtailing future failure. First, in order to complete an inspection, electric service must be turned off to the residential or commercial building. Second, some neutral connections are below ground, others are 30–40 feet above ground, and others are on the customer's premise. Therefore, not all neutral connectors are in the same physical location. Third, neutral connections rarely fail. The number of service outages attributed to neutral connection failure is minimal when compared with other causes of outages.⁴ Fourth, visual inspections of above ground neutral connections have little value as an inspected neutral connection can fail two months or even one hour after being inspected. EAP contends the inspection is of little use because it is not necessarily a predictor of when the connection will fail. In fact, EAP contends the actual testing of the connection could lead to failure of the device and would possibly do more harm than good.

Regarding cost, EAP contends the cost of regular inspections of neutral connections equals \$87.5 million per year in aggregate. This figure is based upon service connection tests for single-phase self-contained meters every 5 years and includes initial start-up costs. Other assumptions used in this figure are unknown.

EAP further claims that during the installation and removal of meters, a small number of meter bases fail. It is likely that during the installation and removal of meters and test equipment required during a neutral test, a number of meter bases will fail. Meter bases are customer-owned equipment and any repair or replacement would be the responsibility of the customer. These unplanned failures will result in significant inconvenience and expense to customers who must unexpectedly secure an electrician to make repairs.

EAP contends that no additional standards are necessary for periodic inspection, maintenance, repair and

replacement of neutral connections because there have only been two formal complaints received regarding neutral connection failure as compared to the fact that there are over 5 million neutral connections in Pennsylvania. There is a high cost involved to the EDC and there is no demonstrable benefit to improving reliability for the customers. Further, the Commission already has authority to regulate voltage standards. Neutral connections fail at a very low rate and in an unpredictable manner. Modern connectors have proven themselves to be highly reliable with extended service lives. Scheduling routine replacement of connections would be extremely labor-intensive and costly, resulting in the replacement of good connections with no improvement in reliability.

EAP contends that the neutral connection to be tested or replaced is not detailed in the proposed rulemaking language. Due to available technology, there are electrical limitations on neutral connection testing. EDCs would only be able to perform a practical test on single-phase, self-contained meters, which would include primarily residential customers and small commercial customers. Large and complex industrial and commercial services bring additional physical limitations and test methods cannot be reasonably employed.

According to EAP, the EDCs' policies in the years 1995 through 2007, were to repair or replace a neutral connection when a service investigation determined that a problem with a neutral connection existed. The EDCs would investigate customer complaints and then repair and replace as necessary. EAP claims the EDCs take customer complaints about voltage issues (blinking or dimming lights) seriously. Service crews perform a checklist of items including either testing connections with a load device or replacement of the connections altogether. According to EAP, electrical conduction occurs inside the enclosed connector. When a failure occurs, it often is due to a deterioration of the contact surface between the wire and the connector. Since contact surface is not visible, it is not generally possible to assess the condition of the connection through a visual inspection unless it is broken. Neutral connectors beneath the ground are not visible.

Even if the EDCs were to be required to replace neutral connections every 20 years, the EAP claims this would burden the industry with an annual estimated cost of \$49.3 million per year without a corresponding increase in reliability as some of the replaced neutral connections would have a significant remaining service life and their replacement would not improve overall reliability. Further, EAP claims customers would also incur costs associated with neutral connection inspection and maintenance including: meter base replacement, service entrance cable replacement, service panel replacement, rerouting of service lines, relocation of electric service, and the costs involved with trenching and installing conduit to receive new underground service wire from the company. EAP states that smart metering/AMI systems cannot determine a faulty neutral connection.

Finally, EAP argues that the Commission is without authority and it would be unfair to impose automatic civil penalties upon EDCs that are in violation of any regulatory standards. See *County Place Waste Treatment Company, Inc. v. Pennsylvania Public Utility Commission*, 654 A.2d 72 (Pa. Cmwlth. 1995).

PPL Electric Utilities Corporation's Comments

PPL estimated additional costs of a 5-year inspection and maintenance program for neutral connections would cost the company \$8.9–\$10.0 million annually for labor,

³ Electric distribution companies supporting the EAP's comments include: Allegheny Power, Citizens' Electric Company, Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, Pike County Light and Power Company, PPL Electric Utilities, UGI Utilities, Inc.—Electric Division, and Wellsboro Electric Company.

⁴ EAP claims that only two formal complaints have been received [by the Commission] compared to the vast number of customer/neutral connections.

vehicles, test equipment, and the like. PPL estimated additional costs of a 20-year program are \$15 million for labor, vehicles, and materials. PPL claims its depreciation life for underground and overhead services is currently 34 years. If a systematic replacement program were required, it should include replacement of the entire service, not just connectors, and should be on a 40-year or longer cycle. However, PPL claims it does not have data on life before wear out for connectors, but it does currently have neutral connections that have been in service in excess of 50 years.

PPL estimates that 330 cases in 2006 involved neutral connections being replaced. So approximately 350 out of 1,358,429 customers were affected by neutral connections in 2006. Additionally, damages paid out from 2003 to 2007 total less than \$1 million. PPL is opposed to automatic civil penalties.

PECO Energy Company's Comments

On October 8, 2008, PECO submitted comments. PECO states there are adequate building and housing industry codes which provide adequate grounding protections as well as adequate Commission standards and regulations at 66 Pa.C.S. § 1501 and 52 Pa. Code § 57.198 which cover these issues. PECO believes the adoption of neutral connections standards is premature. At minimum, the Commission should conduct a cost-benefit analysis to ascertain the benefits of inspection and replacement standards for neutral connectors and whether they outweigh the cost of the inspections and inconvenience to the customers. Beginning in 2009, PECO claims it will begin annually inspecting its circuits. The promulgation of neutral connections standards is not needed. PECO claims that when a service trouble inquiry reveals a neutral connection problem, the connection is either repaired or replaced. In 1999, PECO implemented aerial circuit patrol/thermography. Aerial circuits are patrolled every 2 years for discernable defects or "hot spots" identified by thermography camera. However, a bad neutral connection is generally not visible to the naked eye.

PECO estimated incremental costs to comply with a 5-year interval basis for PECO's service territory of 1.4 million residential customers to be \$39,210,000 not including travel costs. The estimated start up costs are \$5,580,000 not including travel costs. Further, customer service interruptions would be necessary.

Excluding travel and set up time, PECO estimated costs to replace neutral connections on a rolling 20-year basis are \$9,803,000. The start-up costs including travel for replacements on the same 20-year basis would be approximately \$9,803,000 per year. PECO believes most neutral connections are operable substantially longer than 20 years.

PECO claims that in 2008, it addressed only 242 service issues related to aerial neutral connections issues. Of the 1.4 million residential customers in PECO's service territory, these neutral connections issues represent only 0.02% of the company's customer base. PECO's Comments, p. 15. PECO claims that in 2007 it paid out \$23,035 related to 66 connection cases. In 2008, PECO reports 33 cases with damages paid totaling \$8,526 as of October, 2008. PECO is not in favor of automatic civil penalties.

FirstEnergy Companies' Comments

On October 8, 2009, the FirstEnergy Companies⁵ filed Comments. FirstEnergy acknowledged that the two for-

mal complaints cited by the Commission as a catalyst for this rulemaking proceeding were against FirstEnergy Companies. However, these two formal complaints represent 0.00017% of its 1.2 million customer base in Pennsylvania. FirstEnergy claims this statistic does not indicate a systemic problem meriting industry-wide regulations regarding inspection and maintenance standards for neutral connectors.

Not only would such standards cost the ratepayers millions of dollars in aggregate, such regulations would not guarantee any meaningful results or improvement in reliability. FirstEnergy Comments, pp. 1 and 2. The FirstEnergy Companies have not engaged in any systematic replacement of neutral connections before failure. However, they are inspected visually as part of the current 5-year line and transformer inspection programs, and observed problems are addressed appropriately.

FirstEnergy Companies claim that they would incur substantial costs to comply with a neutral connection inspection and maintenance program interval of no less than once every 5 years for every neutral connection in their service territories. For visual inspections, this would cost \$6,503,806 per year for 5-year cycles, and \$1,578,117 annually for 20-year cycles. For inspections involving the "beast of burden" voltage reader, it would cost \$10,712,117 annually for a 5-year period and \$2,630,194 annually for a 20-year period. Inspections involving destructive examination and replacement would cost \$28,212,690 per year for a 5-year cycle and \$7,053,173 per year for a 20-year cycle plan.

FirstEnergy Companies claim that there is no optimal replacement schedule. A systematic replacement schedule would not be prudent. There is no evidence that connections such as those used in the FirstEnergy's neutral systems are subject to "wearing out" at some statistical level. FirstEnergy Comments, p. 12.

Metropolitan Edison began tracking neutral connection failures in January 1, 2008. For the period of January 1, 2008 through June 30, 2008, Metropolitan Edison addressed 19 failures for an annual rate of .000028. Penn Power and Penelec do not track neutral failures. From 2003-2008, Penelec has paid claims on 71 events totaling \$53,268. Penn Power paid claims on nine events from 2002-2008 totaling \$7,370. Met-Ed paid claims on 24 events in 2008 between 1/1/08 and 8/22/08 totaling \$15,433. FirstEnergy Companies believe utilities should be held to the manufacturer's recommendations of the products used, including neutral connections. FirstEnergy Companies oppose automatic civil penalties.

Duquesne Light Company's Comments

On October 8, 2008, Duquesne Light filed comments. Duquesne Light does not currently map or track the installation or size of its service lines, but it estimates the incremental cost increase to complying with a 5-year I&M plan would be approximately \$3 million annually, with initial start-up costs of \$26 million the first year. Customer additional costs would include costs for problems found with customer equipment, electricians, obtaining wiring approvals and loss of service. If Duquesne Light was on a 20-year cycle, its start-up costs are estimated to be approximately \$25.6 million assuming no inspection requirement. Estimated annual costs after start-up costs would be in excess of \$1.5 million.

Duquesne Light believes the optimal replacement schedule for neutral connections is to replace at failure and this is based on Section 21-214 of the National Electrical Safety Code, "Inspection of lines and equipment."

⁵ The FirstEnergy Companies consist of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company.

Duquesne Light stated it does not track the number of failures for this type of connection, but based on consultations with its field personnel, it estimates 200 cases annually are in response to customer voltage complaints, which represents .03% of its total customer base, based on 580,000 customers. Duquesne Light receives approximately 12 claims for property damage annually out of 200 failing or faulty neutral connections found each year. The company pays out approximately \$9,000 per year in damages for failing neutral connectors. Duquesne Light opposes automatic civil penalties.

West Penn Power Company, d/b/a Allegheny Power's Comments

On October 7, 2008, Allegheny Power commented that inspection and maintenance standards for neutral connections are unnecessary because neutral connections are highly reliable and have a very long life resulting in very few customer service issues. Allegheny Power claims that approximately 0.045% of its customer base reports a potential neutral connection problem annually (319 bright/dim calls per year), of which a smaller amount is an actual neutral connection deterioration problem. Allegheny Power claims that it investigates neutral connection problems promptly and makes necessary repairs to restore service. Allegheny Power's Comments, p. 1.

Allegheny Power claims that given the small number of neutral connection problems coupled with the improbability of finding the problems on inspection before the customers report them, the proposed program would have little if any benefit to the customers. Allegheny Power estimates annual cost increases of over \$10,000,000 to implement a routine 5-year inspection and maintenance program for approximately 635,000 neutral connections in its territory.

Allegheny Power has paid, on average, \$84,500 per year for claims and \$0 punitive damages to customers over the past 5 years for claims related to deteriorated neutral connections. Allegheny Power is against automatic civil penalties.

Wellsboro Electric Company's Comments

Wellsboro's maintenance procedure is driven by trouble reports from customers which it claims are very rare. Once a complaint about a voltage issue is received, a service crew is dispatched and performs a checklist of items including either inspecting and testing connections with a load device or replacement of connections. There is no program in place to replace neutral connections before failure.

Wellsboro has approximately 5,700 customers served by single phase self-contained meters. Its estimated cost to replace 1/5 of these annually is \$225,000. Additionally, other expenses would total approximately \$100,000 annually. Even on a 20-year routine, Wellsboro estimates an annual cost to replace the connections at \$154,000 plus a one-time estimated cost for database development at \$15,000—\$20,000. Wellsboro claims only 3 incidents since 1995 have been related to neutral connections. Wellsboro has paid out \$710 for a 2007 claim involving loose connectors. Wellsboro is opposed to automatic civil penalties and there is no technology in the AMR/AMI systems to provide voltage variation information to the EDC.

Citizens' Electric Company

On October 10, 2009, Citizens' filed comments claiming that during the 14 year period of 1995—2008 requested, Citizens' has had just 7 customers affected by failures of neutral connectors on Citizens' system. Citizens' has

approximately 6,400 customers served by single phase self-contained meters. This represents an average annual failure rate of 0.0077% of their customers. Five of the incidents were associated with a specific group of atypically defective transformers which failed after a short time in service.

Performing a 5-year cycle inspection and maintenance program on its system would cost the company an estimated \$253,000 annually. Additionally, Citizens' would have to increase its outside workforce by approximately 20%. Thus, it estimates an additional \$50,000 in costs for training, equipment and administrative expenses associated with inspection and maintenance standards. Citizens' believes it has approximately 35,000 connections in its system. Using a 20-year cycle, 1,675 connections would need to be replaced each year. A database would have to be created costing the company \$20,000 to track the cycles. Also, Citizens' estimates materials, labor, equipment and administrative costs of the replacements would total an estimated \$147,000 annually.

Citizens' has paid \$1,522.50 in damages to one customer related to a failed connector within the past 5 years. Citizens' opposes automatic civil penalties.

Work site visit at Met-Ed Lebanon Customer Operations Center

On December 8, 2008, Commission staff met with Metropolitan Edison staff at the Met-Ed Lebanon Customer Operations Center, 600 South Fifth Avenue, Lebanon, PA. Met-Ed staff provided Commission staff with an overview of neutral connections, including types of connections, installation tools and inspection techniques. They then visited two work sites where a Met-Ed line crew identified and inspected the neutral connections at two residential customer homes. One home was served by overhead electric service and the other home was served by an underground electric service. Each inspection took more than 30 minutes and more than one lineman was involved. Service had to be shut down to the residences to complete the inspection. Regarding the overhead service inspection, a section of wire leading into the home was removed. Met-Ed's lineman stated this was because it is impossible to know whether the wire has rusted through the outside to the inner part otherwise.

Discussion

Based upon the foregoing comments and reply comments we received in addition to the work site visit Commission staff took to witness neutral connections inspection procedures on an overhead and underground line, we find that standards regarding neutral connections maintenance, inspection, repair, and replacement are unnecessary, cost prohibitive, and of minimal value in comparison to a potentially significant cost of over \$85 million per year in aggregate for compliance to the EDCs and ultimately, perhaps, their ratepayers. Given the average number of customer outages each year compared with the customer base, neutral connection failures appear to be a relatively insignificant cause of outages, and this Commission believes that it is not a cost effective use of inspection and maintenance funds to inspect and/or track neutral connection issues.

Even a testing program, as proposed by OCA, would cost approximately \$87.4 million of additional annual costs for the aggregate number of EDCs operating in the Commonwealth to comply with a neutral connection inspection and maintenance program on a 5-year interval basis. Costs to consumers for repair of EDC equipment would be in addition to the \$87.4 million, according to

EAP. Even OCA is concerned about additional costs to ratepayers in the form of not only rate hikes but customer outages from the testing program.

Each test takes 1 hour of field work per meter according to PPL. This may be inflated, but labor costs would be involved, and the customer may experience outage downtime while the inspection is taking place. A visual inspection is limited. It only shows the exterior of the components, not the points of contact between components where the electrical connection is made. Dismantling and reassembling components takes a long time (approximately 1 hour per connection) and will result in some percentage of reassembly errors leading to failures. Additionally, we are concerned about costs to consumers from replacing meter bases to trenching costs. Additionally, each detailed inspection using the "beast of burden" machine involves a service outage to the customer. Moreover, it is unclear at this time whether smart metering/AMI systems are a feasible means of identifying potentially bad or failing neutral connections. They are not designed to read voltage problems. All EDCs are opposed to automatic civil penalties, and it appears that the amounts the EDCs have paid out in damages to customers specifically involving neutral connections problems is unknown, but even those damages paid out to compensate customers for problems involving voltage issues (that is, dimming or flickering lights) is relatively small.

We are not persuaded by EAP's claim that there have only been two complaints received related to neutral connection problems, because the EDCs reported hundreds of outages related to voltage issues, and all of the EDCs reported paying some damages to customers regarding complaints involving voltage issues. Although the Commission does not have legal authority to award damages, we recognize the good business practices of a few of the responding EDCs who acknowledge providing damages to their customers who have sustained a loss as a result of damage caused by failed neutral connections. Because failed neutrals are a risk of doing business for companies who distribute electricity, we strongly encourage other EDCs who have not adopted such a practice to consider compensating their customers, for known and verifiable losses sustained as a result of failed neutral connections.

We believe the current inspection and maintenance standards at 52 Pa. Code § 57.198 are sufficient. Neutral connection failures are low in number and there are many more common causes of outages that need Commission tracking and oversight. Although visual and aerial inspections of lines and transformers will not always detect a failing neutral connection, the fact that the EDCs are now required by 52 Pa. Code § 57.198 to do cyclical inspections of these parts of their systems, may reveal some loose or rusted neutral connections also. The EDCs will note if there are visual problems such as loose or rusted connections and the EDCs have assured the Commission that they will take steps to repair or replace said neutral connection problems in a timely manner, a procedure consistent with the National Electric Safety Code. *Therefore,*

It Is Ordered That:

1. The rulemaking proceeding initiated at this docket to consider the revision of the regulations appearing in 52 Pa. Code Chapter 57, relating to neutral connection inspection and maintenance standards for electric distribution companies, is hereby withdrawn and discontinued.

2. A copy of this order shall be served upon all parties that filed comments to the Advance Notice of Proposed Rulemaking at L-2008-2044821 including: the Energy Association of Pennsylvania, Office of Consumer Advocate, and all EDCs operating in this Commonwealth.

3. A notice of withdrawal of the Advance Notice of Proposed Rulemaking be published in the *Pennsylvania Bulletin*.

4. This matter shall be marked closed.

JAMES J. McNULTY,
Secretary

Statement of Vice Chairperson Tyrone J. Christy

Today the Commission is discontinuing the above-captioned rulemaking on the basis that standards for the maintenance, inspection, repair and replacement of neutral connections would be cost-prohibitive. I fully support this decision. Although I agree that an inspection or replacement program does not appear to be cost-effective, I want to reiterate the Commission's conclusion that electric distribution companies (EDCs) should voluntarily reimburse their customers for damages caused by failed neutral connections.

Instead of routinely inspecting and/or replacing neutral connections, it is the EDCs' practice to rely upon customer complaints of voltage fluctuations to identify failed neutral connections. The EDCs investigate these customer complaints, and repair and replace neutral connections as needed. Voltage fluctuations often result in the failure of customer-owned appliances and electronic equipment, which must be replaced at a cost that can be significant when borne by an individual customer. Since EDCs rely on customer complaints to identify failed neutral connections, the costs incurred by those customers should be reimbursed.

The damages incurred by customers due to failed neutral connections appear to be significant. The EDCs provided information indicating that there are a significant number of failed neutrals every year. PPL reported that it had approximately 350 instances of failed neutral connections in 2006. PECO reported that it had 242 instances of failed neutral connections in 2008. Met Ed reported 19 failures during the first six months of 2008. Duquesne estimated that it has 200 cases annually. West Penn reported that it has 319 "bright/dim" calls per year, of which a portion are due to neutral connection failures.¹ Based on the number of neutral connection failures reported by the EDCs, it appears there may be upwards of 1,000 instances of failed neutral connections annually in Pennsylvania.

Although the Commission does not have the authority to award damages, I strongly urge EDCs to voluntarily compensate their customers for known and verifiable damages that are caused by failed neutral connections. Given the EDCs' reliance on customer complaints to identify failed neutral connections, the EDCs should compensate their customers for the damages that they experience. I fully support the Commission's conclusion that reimbursing customers for damages caused by failed neutral connections is a sound business practice. We strongly urge EDCs that have not adopted such a practice to consider doing so.

Finally, I would like to thank all of the parties that filed comments in this proceeding. The information submitted by the electric distribution companies (EDCs) and

¹ Penelec and Penn Power do not track neutral connection failures.

the Energy Association of Pennsylvania (EAP) allowed us to explore this issue in depth and to reach an informed conclusion.

TYRONE J. CHRISTY,
Vice Chairperson

[Pa.B. Doc. No. 10-553. Filed for public inspection March 26, 2010, 9:00 a.m.]

STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

Review of Chiropractic Treatment

The State Board of Chiropractic (Board) proposes to amend its regulations to add §§ 5.55 and 5.56 (relating to independent chiropractic examination; and chiropractic peer review) to read as set forth in Annex A.

Effective date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 302(3) of the Chiropractic Practice Act (act) (63 P. S. § 625.302(3)) authorizes the Board to promulgate, adopt and enforce rules and regulations necessary to carry out the act.

Background and Need for the Amendment

Chiropractors often review the treatment of another chiropractor or independently examine a chiropractic patient, such as for workers' compensation or motor vehicle accident purposes. The proposed rulemaking will set forth standards for a licensed chiropractor to follow in those situations.

Description of the Proposed Amendments

Proposed § 5.55—Independent chiropractic examination.

The proposed rulemaking would first address independent chiropractic examinations. Proposed subsection (a) would set the basic qualifications by requiring that a chiropractor performing an independent chiropractic examination be currently licensed in this Commonwealth, actively practice at least 20 hours a week, and have professional liability insurance that covers independent chiropractic examinations. Proposed subsection (b) would provide that a chiropractor may not perform an independent chiropractic examination if the chiropractor has previous professional involvement with the patient or chiropractor under review, has performed or provided precertification or other professional services in the same matter, or the chiropractor's impartiality may reasonably be questioned.

Proposed subsection (c) would require a chiropractor performing an independent examination to obtain and review the patient record of the treating chiropractor. Proposed subsection (d) would require a chiropractor performing an independent examination to take a history and perform a clinical examination of the patient and to complete a patient record. Proposed subsection (e) would require a chiropractor performing an independent chiropractic examination to prepare, review and sign a report of the examination. This report would include a description of records reviewed, a recital of history and

examination findings, discussion of tests and the basis for conducting the test, review of the patient's response to prior care and treatment, and other facts supporting the opinion, and the clinical rationale for any opinion. Proposed subsection (f) would require a chiropractor performing an independent examination to provide a copy of the report to the treating chiropractor. Proposed subsection (g) would prohibit a chiropractor performing an independent examination from recommending to the patient any alteration in care or soliciting the patient for care.

Finally, proposed subsection (h) would define the term "independent chiropractic examination" to include a chiropractic examination of a workers' compensation claimant at the request of the employer and a chiropractic examination of a person injured in a motor vehicle accident upon court order.

Proposed § 5.56—Chiropractic peer review.

The proposed rulemaking would also address chiropractic peer review. Proposed subsection (a) would set the basic qualifications by requiring that a chiropractor performing a chiropractic peer review be currently licensed in this Commonwealth, actively practice at least 20 hours a week, hold an adjunctive procedures certificate if the review addresses adjunctive procedures, and have professional liability insurance that covers chiropractic peer review. Proposed subsection (b) would provide that a chiropractor may not perform a chiropractic peer review if the chiropractor had previous professional involvement with the patient or chiropractor under review, has performed or provided precertification or other professional services in the same matter, or the chiropractor's impartiality may reasonably be questioned.

Proposed subsection (c) would require a chiropractor performing a peer review to prepare, review and sign a report of the peer review. This report would include a description of records reviewed, a review of the patient's response to prior care and treatment, and other facts supporting the opinion, and the clinical rationale for any opinion. Proposed subsection (d) would require a chiropractor performing a peer review to provide a copy of the report to the treating chiropractor.

Finally, proposed subsection (e) would define the term "chiropractic peer review" to include a utilization review or peer review of chiropractic treatment of a workers' compensation claimant and a peer review of chiropractic treatment of a person injured in a motor vehicle accident.

Fiscal Impact and Paperwork Requirements

The proposed regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The regulations will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 11, 2010, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, or by e-mail at st-chiropractic@state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Use reference No. 16A-4315 (review of chiropractic treatment), when submitting comments.

KATHLEEN G. McCONNELL, D. C.,
Chairperson

Fiscal Note: 16A-4315. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter E. MINIMUM STANDARDS OF PRACTICE

§ 5.55. Independent chiropractic examination.

(a) A chiropractor performing an independent chiropractic examination in this Commonwealth shall:

(1) Hold a current valid license to practice chiropractic in this Commonwealth.

(2) Be currently engaged in the clinical practice of chiropractic in this Commonwealth at least 20 hours per week.

(3) Have professional liability insurance that covers independent chiropractic examinations.

(b) A chiropractor may not perform an independent chiropractic examination if:

(1) The chiropractor had previous professional involvement with the patient or provider under review.

(2) The chiropractor has performed or provided precertification, case management, vocational rehabilitation or any other services in the same matter.

(3) The chiropractor's impartiality may reasonably be questioned.

(c) A chiropractor performing an independent chiropractic examination shall obtain and review the patient record of the currently treating chiropractor.

(d) A chiropractor performing an independent chiropractic examination shall take the patient's history and perform a clinical examination and complete a patient record as required under § 5.51 (relating to patient records).

(e) A chiropractor performing an independent chiropractic examination shall prepare, review and sign a report, containing at a minimum the following:

(1) The nature and extent of the records reviewed, including other information presented, such as test results.

(2) A recital of the history, clinical examination and findings.

(3) The tests performed, including the basis for conducting each test and the results.

(4) A review of the patient's response to prior care and treatment.

(5) Other facts upon which any opinion is based, together with the source of those facts.

(6) The clinical rationale for any opinion expressed with respect to the patient's current condition.

(f) A chiropractor performing an independent chiropractic examination shall provide a copy of the signed report to the chiropractor currently providing chiropractic care to the patient.

(g) A chiropractor performing an independent chiropractic examination may not:

(1) Make recommendations directly to the patient for alterations in care.

(2) Solicit the patient for care.

(h) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Independent chiropractic examination—A chiropractic examination and evaluation performed by a chiropractor other than a chiropractor currently providing the patient with chiropractic care and to be used for the purpose of determining the patient's current chiropractic condition and prognosis. The term "independent chiropractic examination" includes examination by a chiropractor under section 314 of the Workers' Compensation Act (77 P. S. § 651) or under 75 Pa.C.S. § 1796 (relating to mental or physical examination of person).

§ 5.56. Chiropractic peer review.

(a) A chiropractor performing a chiropractic peer review in this Commonwealth shall:

(1) Currently hold a valid license to practice chiropractic in this Commonwealth.

(2) Be currently engaged in the active practice of chiropractic, in the chiropractic specialty of the chiropractic treatment under review, if any, in this Commonwealth at least 20 hours per week.

(3) Currently hold a valid adjunctive procedures certificate issued by the Board, if the review addresses adjunctive procedures.

(4) Have professional liability insurance that covers chiropractic peer reviews.

(b) A chiropractor may not perform a chiropractic peer review if:

(1) The chiropractor had previous professional involvement with the patient or provider under review.

(2) The chiropractor has performed or provided precertification, case management, vocational rehabilitation or any other services in the same matter.

(3) The chiropractor's impartiality may reasonably be questioned.

(c) A chiropractor performing a chiropractic peer review shall prepare, review and sign a report, containing at a minimum the following:

(1) The nature and extent of the records reviewed, including other information presented, such as test results.

(2) A review of the patient's response to prior care and treatment.

(3) Other facts upon which any opinion is based, together with the source of those facts.

(4) The clinical rationale for any opinion expressed with respect to the patient's prognosis and need for chiropractic care.

(d) A chiropractor performing a chiropractic peer review shall provide a copy of the signed report to the chiropractor currently providing chiropractic care to the patient.

(e) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Chiropractic peer review—A review and evaluation of chiropractic patient records performed by a chiropractor other than a chiropractor currently providing the patient with chiropractic care and to be used for the purpose of determining the appropriateness of continued chiropractic care. The term "chiropractic peer review" includes utilization review under section 306(f.1)(6) of the Workers' Compensation Act (77 P. S. § 531(6)) and includes peer review under section 420 of the Workers' Compensation Act (77 P. S. §§ 831 and 832) or under 75 Pa.C.S. § 1797(b) (relating to customary charges for treatment).

[Pa.B. Doc. No. 10-554. Filed for public inspection March 26, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

[55 PA. CODE CHS. 1153, 2380, 5200, 5210, 6400
AND 6500]

Medication Prescribing Practices of CRNPs in Mental Health Programs and Mental Retardation Programs

Scope

This statement of policy applies to the following:

- 1) Administrative Entity Directors or Administrators
- 2) Behavioral Health Managed Care Organizations
- 3) County Mental Health/Mental Retardation Administrators
- 4) Directors or Administrators of facilities licensed under the following 55 Pa. Code Chapters:
 - Chapter 1153 (relating to outpatient psychiatric services)
 - Chapter 2380 (relating to adult training facilities)
 - Chapter 5200 (relating to psychiatric outpatient clinics)
 - Chapter 5210 (relating to partial hospitalization)
 - Chapter 6400 (relating to community homes for individuals with mental retardation)
 - Chapter 6500 (relating to family living homes)

Purpose

The purpose of this statement of policy is to communicate that, subject to certain conditions, medications may be prescribed by a Certified Registered Nurse Practitioner (CRNP) for individuals who receive services in a facility licensed under 55 Pa. Code Chapters 2380, 5200, 5210, 6400 and 6500.

Discussion

Licensing regulations of the Department of Public Welfare (Department) limit authority to prescribe medication to a physician for an individual who receives services in a facility licensed under Chapters 2380, 5200, 5210, 6400 and 6500. In addition, Medical Assistance conditions of participation for outpatient psychiatric facilities require that medications be prescribed by a licensed physician. (55 Pa. Code § 1153.41(10) (relating to participation requirements)).

These Department regulations are more restrictive than other provisions of State law, which do not limit prescriptive authority to licensed physicians. Under current State law, a CRNP is permitted to prescribe certain medications if granted prescriptive authority by the State Board of Nursing and acting within the scope of a collaborative agreement with a physician. *See* Section 8.3 of The Professional Nursing Law (63 P. S. § 218.3) and 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

Guideline

The statement of policy is contained in Annex A.

Effective Date

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

Contact Person

For questions related to this statement of policy regarding facilities licensed under Chapters 5200 and 5210 (relating to psychiatric outpatient clinics; and partial hospitalization) by the Office of Mental Health and Substance Abuse Services (OMHSAS), contact OMHSAS at (717) 772-7322.

For questions related to this statement of policy regarding facilities licensed under Chapters 2380, 6400 or 6500 (relating to adult training facilities; community homes for individuals with mental retardation; and family living homes) by the Office of Developmental Programs (ODP), contact the appropriate regional licensing administrator in ODP.

HARRIET DICHTER,
Acting Secretary

(Editor's Note: The regulations of the Department, 55 Pa. Code, are amended by adding §§ 1153.41a, 2380.122a, 2380.124a, 2380.126a, 5200.42a, 5210.58a, 6400.162a—6400.164a, 6400.166a, 6500.132a—6500.134a and 6500.136a to read as set forth in Annex A.)

Fiscal Note: 14-BUL-090. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL CHAPTER 1153. OUTPATIENT PSYCHIATRIC SERVICES

PROVIDER PARTICIPATION

§ 1153.41a. Medication prescription—statement of policy.

Medications may be prescribed by a certified registered nurse practitioner in outpatient psychiatric clinics and outpatient partial hospitalization facilities as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

PART IV. ADULT SERVICES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES

CHAPTER 2380. ADULT TRAINING FACILITIES MEDICATIONS

§ 2380.122a. Labeling of medications—statement of policy.

Prescriptions for medications may be written by a certified registered nurse practitioner as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners). The label on the original container must include the name of the prescribing practitioner.

§ 2380.124a. Medication log—statement of policy.

The medication log must identify the prescribing certified registered nurse practitioner (CRNP) when a medica-

tion was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

§ 2380.126a. Adverse reaction—statement of policy.

Notification of an adverse reaction to a medication may be made to the prescribing certified registered nurse practitioner (CRNP) when the medication was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

PART VII. MENTAL HEALTH MANUAL

Subpart D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES

CHAPTER 5200. PSYCHIATRIC OUTPATIENT CLINICS

MISCELLANEOUS PROVISIONS

§ 5200.42a. Medication prescription—statement of policy.

Prescriptions for medications may be written by and dispensed on the order of a certified registered nurse practitioner in outpatient psychiatric clinics as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

CHAPTER 5210. PARTIAL HOSPITALIZATION

MISCELLANEOUS PROVISIONS

§ 5210.58a. Medication prescription—statement of policy.

Prescriptions for medications may be written by and dispensed on the order of a certified registered nurse practitioner in partial hospitalization facilities as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

PART VIII. MENTAL RETARDATION MANUAL

Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 6400. COMMUNITY HOMES FOR INDIVIDUALS WITH MENTAL RETARDATION

MEDICATIONS

§ 6400.162a. Labeling of medication—statement of policy.

Prescriptions for medications may be written by a certified registered nurse practitioner as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners). The label on the original container must include the name of the prescribing practitioner.

§ 6400.163a. Use of prescription medication—statement of policy.

The review of documentation, including the reason for prescribing the medication, the need to continue the medication and the necessary dosage, may be conducted by a certified registered nurse practitioner (CRNP) as

authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners) when the medication was prescribed by a CRNP.

§ 6400.164a. Medication log—statement of policy.

The medication log must identify the prescribing certified registered nurse practitioner (CRNP) when a medication was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

§ 6400.166a. Adverse reaction—statement of policy.

Notification of an adverse reaction to a medication may be made to the prescribing certified registered nurse practitioner (CRNP) when the medication was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

CHAPTER 6500. FAMILY LIVING HOMES

MEDICATIONS

§ 6500.132a. Labeling of medication—statement of policy.

Prescriptions for medications may be written by a certified registered nurse practitioner as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners). The label on the original container must include the name of the prescribing practitioner.

§ 6500.133a. Use of prescription medications—statement of policy.

The review of documentation, including the reason for prescribing the medication, the need to continue the medication and the necessary dosage, may be conducted by a certified registered nurse practitioner (CRNP) as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners) when the medication was prescribed by a CRNP.

§ 6500.134a. Medication log—statement of policy.

The medication log must identify the prescribing certified registered nurse practitioner (CRNP) when a medication was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

§ 6500.136a. Adverse reaction—statement of policy.

Notification of an adverse reaction to a medication may be made to the prescribing certified registered nurse practitioner (CRNP) when the medication was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

[Pa.B. Doc. No. 10-555. Filed for public inspection March 26, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Execution of Oil and Gas Lease for State Forest Lands

Effective January 20, 2010, an Oil and Gas Lease for State Forest Lands, Contract No. M-110416-15, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (lessor) and Penn Virginia Oil & Gas Corporation (lessee), with its principal place of business located at 7 Sheridan Square, Suite 200, Kingsport, TN 37660.

The lease is for Tract 416, located in Eulalia and Roulette Townships, Potter County, within the Susquehannock State Forest. The lease was issued to the highest winning and qualified bidder for the tract at the lessor's competitive lease sale held on January 12, 2010. The lease was recorded at the Potter County courthouse on February 2, 2010, instrument no. 201000435. Contract No. M-110416-15 may be viewed online at <http://contracts.patresury.org/View.aspx?ContractID=78368>.

Questions regarding this lease should be directed to the Bureau of Forestry, Minerals Section at (717) 787-2703.

JOHN QUIGLEY
Acting Secretary

[Pa.B. Doc. No. 10-556. Filed for public inspection March 26, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Timothy P. Lacey for Reinstatement of Teaching Certificates; Doc. No. RE-09-05

Notice of Opportunity for Hearing and Invitation to Protest

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

Timothy P. Lacey filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications). Under section 16 of the act, the Department of Education on March 4, 2010, advised the Commission that it cannot support reinstatement.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will act upon the application

without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 10-557. Filed for public inspection March 26, 2010, 9:00 a.m.]

Application of Lackawanna College for Approval of Merger

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S.A. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the request from Lackawanna College to have a Certificate of Authority approving the merger of the Community Concert Association of Scranton into the college, with the college being the surviving entity. The college wishes to acquire ownership of the corporation's resources in providing a wide variety of musical performances to the locale. Additionally, the college requests approval of the fictitious name 'Community Concerts at Lackawanna College.'

In accordance with 24 Pa.C.S.A. § 6503(e), the Department will act upon this application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Carol

M. D. Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 10-558. Filed for public inspection March 26, 2010, 9:00 a.m.]

Application of Pittsburgh Technical Institute, Inc. for Approval of Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S.A. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Pittsburgh Technical Institute, Inc. for a Certificate of Authority approving the request to amend and restate the institution's Articles of Incorporation.

In accordance with 24 Pa.C.S.A. § 6503(e), the Department will act upon this application without hearing,

unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Carol M. D. Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 10-559. Filed for public inspection March 26, 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0060941 (Sewage)	Crestwood School District Rice Elementary School 281 South Mountain Boulevard Mountaintop, PA 18707	Luzerne County Rice Township	Unnamed Tributary to Little Wapwallopen Creek 05B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0063908 (Industrial Waste)	ACE Robbins 325 SR 6 East Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	Tunkhannock Creek Cold Water Fishes 4-F	Y
PA0012149 (Industrial Waste)	Dixon Ticonderoga Route 61 Deer Lake, PA 17961	Schuylkill County West Brunswick Township	Pine Creek Cold Water Fishes 3-A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0228761 (Sewage) Non-Public	Bakercrest Home for the Elderly 76 Baker Crest Lane Millerton, PA 16936	Tioga County Rutland Township	UNT to Bear Creek SWP 4A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0223051	Connoquenessing Borough P. O. Box 471 Connoquenessing, PA 16027	Connoquenessing Borough Butler County	Unnamed tributary to Connoquenessing Creek 20-C	Y
PA0101940	Anita and Michael Matthews, d/b/a Country Estates Mobile Home Park 210 Summit City Road Kennerdell, PA 16374-2220	Clinton Township Venango County	Trout Run 16-G	Y
PA0024511	Redbank Valley Municipal Authority 243 Broad Street New Bethlehem, PA 16242	Mahoning Township Armstrong County	Redbank Creek 17-C	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 0088641, Sewage, **Carol Rose**, 238 South Richards Street, Bedford, PA 15522. This facility is located in Juniata Township, **Bedford County**.

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

The receiving stream, unnamed tributary to Kegg Run, is in Watershed 11-C, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Department of Conservation and Natural Resources—Shawnee State Park is located on the Shawnee Lake, approximately 3.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Report	XXX
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.

Application No. PA 0261424, Sewage, **John A. Beiler, Jr.**, 8512 Newburg Road, Newburg, PA 17240. This facility is located in Lurgan Township, **Franklin County**.

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

The receiving stream, Clippingers Run, is in Watershed 7-B, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 35.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	Report		
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.

Application No. PA 0021563, Sewage, **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325-3307. This facility is located in Cumberland Township, **Adams County**.

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

The receiving stream, Rock Creek, is in Watershed 13-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for City of Frederick, MD is located on the Monocacy River, approximately 42 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 2.45 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia Nitrogen			
(5/1 - 10/31)	2.0		4.0
(11/1 - 4/30)	6.0		12
Total Phosphorus	1.0		2.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

NOTICES

Chesapeake Bay Requirements

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

The proposed Final effluent limits for Outfall 001 for a design flow of 3.0 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10	15	20
Total Suspended Solids	10	15	20
Ammonia Nitrogen	1.0		2.0
Total Phosphorus	0.6		1.2
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

	Concentration (mg/L)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	44,748
Net Total Phosphorus	XXX	Report	Report	5,966

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

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary.

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

The EPA waiver is not in effect.

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

PA0060801, Sewage, SIC Code 4952, **Montrose Municipal Authority**, P. O. Box 306, Montrose, PA 18801-1219. Facility Name: Montrose Municipal Authority WWTP. This existing facility is located in Bridgewater Township, **Susquehanna County**.

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

The receiving stream, an Unnamed Tributary to Pettis Creek, is located in State Water Plan watershed 04D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.82 MGD.

The following existing effluent limitations are to be effective until November 30, 2012.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Maximum				
pH (S.U.)			6.0			9.0
Dissolved Oxygen			5.0			
Total Residual Chlorine			Instantaneous Minimum	0.02		0.05
CBOD ₅	171	273		25	40	
Total Suspended Solids	205	307		30	45	
Fecal Coliform (CFU/100 ml)				200 Geometric Mean		
May 1 - Sep 30				2,000 Geometric Mean		
Oct 1 - Apr 30						
Ammonia-Nitrogen						
May 1 - Oct 31	13			2		
Nov 1 - Apr 30	41			6		

The follow proposed effluent limitations will become effective beginning December 1, 2012.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Maximum				
pH (S.U.)			6.0			9.0
Dissolved Oxygen			6.0			
Total Residual Chlorine			Instantaneous Minimum	0.03		0.08
CBOD ₅	68	102		10	15	
Total Suspended Solids	68	102		10	15	
Fecal Coliform (CFU/100 ml)				200 Geometric Mean		
May 1 - Sep 30				2,000 Geometric Mean		
Oct 1 - Apr 30						
Ammonia-Nitrogen						
May 1 - Oct 31	10			1.5		
Nov 1 - Apr 30	30			4.5		

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia-N	Report	Report **		Report	
Kjeldahl-N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	14,977*			
Net Total Phosphorus	Report	1,997*			

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

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

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

You may make an appointment to review the Department’s files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

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

PA0229091, CAFO, SIC 254, **Greg Haladay, GNH Farms, LLC**, 224 White Church Road, Elysburg, PA 17824. This proposed facility is located in Cleveland Township, **Columbia County**.

Description of Proposed Activity: This farm operates as a layer operation. There are 96,000 birds housed in a single high-rise layer house. There are also 8 steers and 3 horses on this operation. The farm consists of 325.4 owned and rented crop acres on which a rotation of corn, soybeans, small grains and grass/alfalfa mix is grown. There are 0.5 acre of pasture and a farmstead area of 4.7 acres. Seven Hundred forty-eight tons of manure are used on the farm and 988 tons of manure are exported to neighboring farms.

The receiving stream, Mugser Run, is in the State Water Plan watershed #5E and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO individual permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

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

PA0096211, Sewage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Darragh Sewage Treatment Plant in Hempfield Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 1.12 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
May 1 to Oct 31	15	23		30
Nov 1 to Apr 30	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	2.0	3.0		4.0
Nov 1 to Apr 30	6.0	9.0		12.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0092886, Sewage, **Southeastern Greene School District**, 1000 Mapletown Road, Greensboro, PA 15338. This application is for renewal of an NPDES permit to discharge treated sewage from Mapletown High School Sewage Treatment Plant in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Whiteley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Masontown Waterworks located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.007 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
May 1 to Oct 31	1.9			3.8
Nov 1 to Apr 30	2.8			5.6
Fecal Coliform	200/100 ml as a Geometric Mean			
May 1 to Sep 30	2,000/100 ml as a Geometric Mean			
Oct 1 to Apr 30	0.08			
Total Residual Chlorine				0.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0034851, Sewage, **Parker Area Authority**, P. O. Box 342, Parker, PA 16049. This application is for renewal of an NPDES permit to discharge treated sewage from Parker Area Authority STP in Parker City, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company, Butler District, on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.3 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a Geometric Mean			
May 1 to Sep 30	2,000/100 ml as a Geometric Mean			
Oct 1 to Apr 30	0.5			
Total Residual Chlorine				1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0263591, Concentrated Animal Feeding Operation (CAFO), **Apple Shamrock Dairy Farms, LLC**, 32821 Guys Mills Road, Townville, PA 16360. Apple Shamrock Dairy Farms, LLC has submitted an application for an Individual NPDES permit for an existing CAFO Steuben Township, **Crawford County**.

The CAFO operation is located in the Muddy Creek, Sugar Creek and Dry Run watersheds, which are located within State Watershed Plan Watersheds 16-A and 16-D. The CAFO will be designed to maintain an animal population of approximately 1,155.5 animal equivalent units consisting of 600 mature Holsteins, 50 dry cows, 170 heifers, 180 calves and 100 steers. The animals will be housed in free stall barns. Manure is stored in a 2 stage earthen pond system.

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previously listed address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

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

III. WQM Industrial Waste and Sewerage Applications 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. 6710401, Sewerage, **West Manchester Township**, 380 East Berlin Road, York, PA 17408-8700. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement and upgrade of the Shiloh Interceptor.

WQM Permit No. 3610201, CAFO, **S & A Kreider & Sons Farm**, 761 Spring Valley Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of a reinforced concrete anerobic Digester and associated transfer tanks.

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

WQM Permit No. 5110401, Sewerage, **School District of Philadelphia**, 440 North Broad Street, Philadelphia, PA 19130. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: New stormwater collection and management system, replacement of the existing septic system with a new drip irrigation sanitary system.

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

WQM Permit No. 4010402, Sewerage, **Eagle Rock Community Association**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: The project involves construction of low pressure sewers with individual grinder pumps, eight pumping stations, force mains and interceptor sewer to serve Mountain View Phase I and Mountain View Phase II. The sewage will be treated at the existing CAN DO treatment plant located in the Humboldt Industrial Park.

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

WQM Permit No. 9280-S A2, Sewerage, **Orion Power Midwest, LP**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This existing facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. WQG016129, Sewerage, **Shade Township**, Box 39, 1221 1 Road, Cairnbrook, PA 15924. This proposed facility is located in Shade Township, **Somerset County**.

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

WQM Permit No. 6572410-A3, **Western Westmoreland Municipal Authority**, 12441 Route 993, North Huntingdon, PA 15642. This existing facility is located in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment.

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

WQM Permit No. 1009404, Sewerage, **Amendment No. 1, Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001. This proposed facility is located in City of Butler, **Butler County**.

Description of Proposed Action/Activity: The Butler Area Sewer Authority has proposed to permit the remaining diversion, pumping and storage facility construction that will alleviate sewer system overflows and limit the peak flows to the Wastewater Treatment Plant.

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

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

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

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

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504009R	LTS Development, LLC Seven Bridge Road R. R. 5 Box 5348 East Stroudsburg, PA 18301	Monroe	Stroud Township	Brodhead Creek HQ-CWF, MF
PAI024510001	Romec, Inc. P. O. Box 190 Route 209 Marshalls Creek, PA 18335	Monroe	Middle Smithfield Township	Tributary to Bush Kill HQ-CWF, MF Bush Kill HQ-CWF, MF

Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025210002	Kam Shi 113 Miller Road Milford, PA 18337	Pike	Milford Township	Sawkill Creek EV, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025410001	Rudy Gherghel Avere, LLC P. O. Box 265 Orwigsburg, PA 17961	Schuylkill	Norwegian Township	West Branch Schuylkill River CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI000110001	Frank A. Gerhardt GFTB Partners, LP 6375 Chambersburg Road Fayetteville, PA 17222-8303	Adams	Franklin Township	Clear Run HQ-MF
PAI034410003	Milroy Associates 269 Waring Avenue State College, PA 16801	Mifflin	Armagh Township	Tea Creek-Laurel Creek HQ-CWF
PAI033409002	BPJP Properties, LLC P. O. Box 65 Newport, PA 17074	Juniata	Delaware Township	Juniata River-Delaware Creek WWF-TSF
PAI030609007	Kervin Weaver Farm 59 Short Lane Fleetwood, PA 19522	Berks	Richmond Township	Moselem 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)

CAFO Notices of Intent Received

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

PAG 124816, CAFO, SIC 0213, 0211, **Robert C. Boyles, Sr. and Melvin E. Swisher, Jr., Boyles Farm**, 258 Mountain Road, Muncy Valley, PA 17758. This proposed facility is located in Franklin Township, **Lycoming County**.

Description of Size and Scope of Proposed Operation/Activity: Finishing swine/beef, 558.3 AEU's.

The receiving stream, Little Indian Run, is in Muncy Watershed (10D) and classified for: Cold Water Fishery (CWF).

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

PAG128301, CAFO, **Sperry Farms, Inc.**, 11420 Sperry Road, Atlantic, PA 16111, Beaver Township, **Crawford County**.

Description of Size and Scope of Proposed Operation/Activity: The facility is a poultry operation raising layer and pullet chickens to produce eggs.

Manure is accumulated under barns and stored onsite. The majority of manure is exported to other operations. The majority of egg wash water is land applied onsite. Total reported Animal Equivalent Units (AEUs) is 2,597 presently and will be increased to 3,408 AEU's.

The receiving streams are, UNT to Conneaut Outlet and UNT to Little Shenango River. Conneaut Outlet is in watershed 16-D and classified for Warm Water Fishes; Little Shenango River is in watershed 20-A and classified for Trout Stocking.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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 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>
Bob Kucharski	Tioga	392.3	1.81	Dairy/Swine	HQ	Approved
<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>
David Groff 262 Pawling Road Lewisburg, PA 17837	Union	0	604.8	Swine	Na	Renewal
Todd Hiller 84 Hiller Lane Allenwood, PA 17810	Union	600+	601.6	Swine, Beef	HQ White Deer Hole Creek	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 3610504, Public Water Supply.
 Applicant **Bartville Store & Locker**
 Municipality Bart Township
 County **Lancaster**
 Responsible Official Daniel B. King
 Owner
 103 Rosedale Road
 Christiana, PA 17509
 Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George Street
 York, PA 17401
 Application Received: 3/5/2010
 Description of Action Addition of nitrate treatment
 and a 120-gallon chlorine contact
 tank. 4-Log Demonstration for
 Entry Point 100

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

Permit No. 5610501, Public Water Supply.
 Applicant **Central City Water Authority**
 314 Central Avenue
 Suite 203
 Central City, PA 15926
 Township or Borough Shade Township
 Responsible Official Robert Sankovitch, Chairperson
 Central City Water Authority
 314 Central Avenue
 Suite 203
 Central City, PA 15926
 Type of Facility Water treatment plant
 Consulting Engineer The EADS Group, Inc.
 1126 Eighth Avenue
 Altoona, PA 16602
 Application Received March 9, 2010
 Date
 Description of Action Construction of the Sorber water
 storage tank and installation of
 approximately 16,600 feet of
 waterline to the Village of
 Rockingham and along
 Bunkerhill Road.

Permit No. 0410502, Public Water Supply.
 Applicant **New Sewickley Township
 Municipal Authority**
 233 Miller Road
 Rochester, PA 15074
 Township or Borough New Sewickley Township
 Responsible Official Gary Guy, Chairperson
 New Sewickley Township
 Municipal Authority
 233 Miller Road
 Rochester, PA 15074
 Type of Facility Water storage tank
 Consulting Engineer Michael Baker Jr., Inc.
 4301 Dutch Ridge Road
 Beaver, PA 15009

Application Received March 8, 2010
 Date
 Description of Action Installation of a solar powered
 active mixing system at the
 Authority's Highview Circle
 water storage tank.

Permit No. 5610502, Public Water Supply.
 Applicant **Somerset Township
 Municipal Authority**
 2209 North Center Avenue
 Somerset, PA 15501
 Township or Borough New Sewickley Township
 Responsible Official Carmel D'Arrigo, Chairperson
 Somerset Township Municipal
 Authority
 2209 North Center Avenue
 Somerset, PA 15501
 Type of Facility Water treatment system
 Consulting Engineer Somerset Planning &
 Engineering Services, LLC
 222 West Main Street
 Suite 100
 Somerset, PA 15501

Application Received March 15, 2010
 Date
 Description of Action Installation of a pump station
 and transmission line to transfer
 water from the existing Reading
 Mines Reservoir to the existing
 Stoystown Borough water
 storage tank.

MINOR AMENDMENT

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

Application No. 4397502-T1-MA2, Minor Amend- ment.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough City of Sharon
Mercer County
 Responsible Official Peter J. Kusky, P. E.
 Type of Facility Public Water System
 Application Received 03/15/2010
 Date
 Description of Action Upgrade of existing lime system
 to include the use of hydrated
 lime for pH adjustment.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
 mental Remediation Standards Act (act) require the
 Department of Environmental Protection (Department) to
 publish in the *Pennsylvania Bulletin* an acknowledgment

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

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

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

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

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

Enterprise Heights, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, 3001 Market Street, Philadelphia, PA 19104 on behalf of Omowale Crenshaw, Enterprise Heights Real Estate Development, 4548 Market Street, Philadelphia, PA 19139 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of lead and PAH's. The future use of the site will remain the same.

Grays Ferry Shop Center, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, 3001 Market Street, Philadelphia, PA

19104 on behalf of Arnold Lurie, Korman Commercial Properties, 2 Neshaminy Interplex, Suite 305, Trevoise, PA 19053 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of inorganics. The future use of the site will remain the same.

Lincoln High School Athletic Field, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder, 180 Sheree Boulevard, Suite 3800, Exton, PA 19341, Thomas Keating, Kleinfelder, 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 on behalf of Francine Locke, School District of Philadelphia, 440 North Broad Street, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics.

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

Simon Camera Parcels, City of York, **York County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of City of York Redevelopment Authority, 49 East Market Street, York, PA 17401, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents from past commercial dry cleaning operations. Future development of the site will be a mixture of residential and commercial. The site will be remediated to a Site-Specific Standard.

Dickinson College/Kaufman Hall, Borough of Carlisle, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Dickinson College, P. O. Box 1773, Carlisle, PA 17013, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents, PAHs, PCBs and VOCs from the historical manufacture of radio crystals and electrical components. Kaufman Hall is currently used for administrative and educational purposes, and the site will be remediated to a Site-Specific Standard.

Marquette Transportation, Inc., West Manchester Township, **York County**. Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Venezia, Inc., 86 Airport Road, Pottstown, PA 19464 and Marquette Transportation, Inc., 630 Loucks Mill Road, Suite 3, York, PA 17404, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel from unregulated underground storage tanks. The site will continue as a trucking terminal and will be remediated to the Nonresidential Statewide Health Standard.

PSECU Elmerton Avenue Site, Susquehanna Township, **Dauphin County**. CMX Engineering, Inc., 910 Century Drive, Mechanicsburg, PA 17055, on behalf of PA State Employees Credit Union, P. O. Box 67013, Harrisburg, PA 17106-7013, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with arsenic and barium. The site will be developed for nonresidential use and will be remediated to the Site-Specific Standard.

Members 1st Federal Credit Union/329 and 345 East Main Street Property, Borough of Middletown, **Dauphin County**. CMX Engineering, Inc., 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Members 1st Federal Credit Union, P. O. Box 40, Mechanicsburg, PA 17055, submitted a Notice of Intent to Remediate site soils contaminated with heating oil, leaded gasoline, waste oil/solvents and hydraulic fluid from unregulated underground storage tanks. The site will be developed for nonresidential use and will be remediated to the Residential Statewide Health Standard.

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

Butler Transit Authority, City of Butler, **Butler County**. Camper, Dresser & McKee, Inc., 2740 Smallman Street, Suite 100, Pittsburgh, PA 15222 on behalf of Butler Transit Authority, 201 South Main Street, Suite 102, Butler, PA 16001 has submitted a Notice of Intent to Remediate. Historical metals contamination of lead and iron in soil at an old industrial site in Butler, PA was encountered within an existing right-of-way. Future property use is non-residential for a intermodal transit center. The site is to be remediated to the Statewide Health Standard. The Notice of Intent to Remediate was published in *The Butler Eagle* on November 13, 2009.

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

CBS Corporation, Forest Hills, **Allegheny County**. Cummings Riter Consultants, Inc., 10 Duff Road, Pittsburgh, PA 15235 on behalf of CBS Corporation, Avenue A and West Street, Forest Hills, PA 15221 has submitted a Notice of Intent to Remediate. Soil and groundwater are believed to be contaminated by volatile organics, inorganics and PCB's. Remediation will consist of soil removal and engineering and institutional controls. The remediator proposes to attain a Residential Site-Specific Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101470. United States Recycling, Inc., 6101 Tacony Street, Philadelphia, PA 19135-2998. This application is for the 10-year renewal in addition to some modifications proposed at the United States Recycling Transfer Station facility, an existing municipal waste transfer facility located in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on March 9, 2010.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 301357. Danco Industries, Inc., 5609 SR 8, Harrisville, PA 16038, Barkeyville Borough, **Venango County**. The application is for a new residual waste processing facility. The application was submitted to the Department of Environmental Protection (Department) on October 21, 2009, and was subject to the Local Municipal Involvement Process (LMIP). The LMIP took place on February 24, 2010. The application was found to be administratively complete by the Northwest Regional Office on March 10, 2010.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay

Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

23-0114: Henry H. Ottens Manufacturing Co., Inc. (600A Kaiser Drive, Folcroft, PA 19032) for installation of a new savory flavor manufacturing process at their facility in Folcroft Borough, **Delaware County**. As a result of potential emissions of VOCs and NO_x, the facility is a State-only facility, with restrictions or controls. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

10-265B: Iron Mountain Information Management—The Underground (1137 Branchton Road, Boyers, PA 16020) for installation of ten (10) emergency generators at their facility in Cherry Township, **Butler County**.

24-119B: Advanced Heat Treating, Inc. (Trout Run Road, St. Marys, PA 15857) for installation of two (2) 1.0 mmBtu/hr gas-fired heat treat furnaces and an electrostatic precipitator at their facility in the City of St. Marys, **Elk County**.

37-307C: PSC Metals, Inc. (5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124) for modifications to the exhaust capture system associated with scrap cutting activities at their facility in the City of New Castle, **Lawrence County**.

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

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

46-0005AF: Merck, Sharpe & Dohme Corp. (Sumneytown Pike, West Point, PA 19486-0004) for installation of one non-emergency diesel-fired generator source at their facility in Upper Gwynedd Township, **Montgomery County**. This installation is not subject to the Department of Environmental Protection NSR regulations or the Federal PSD regulations. There are no add-on control devices for this source. Air contaminant emissions shall not exceed any of the following: 0.12 ton/yr of PM and PM-10; 0.12 ton/yr of SO_x; 2.12 tons/yr of CO; 3.80 tons/yr, and 0.07 ton/yr of VOC. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable

23-0114: Henry H. Ottens Manufacturing Company, Inc. (600A Kaiser Drive, Folcroft, PA 19032) for installation of a new savory flavor manufacturing process at their facility in Folcroft Borough, **Delaware County**. The facility will emit 1.82 tons of particulate matter per year before controls. This facility is a non-Title V facility. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0204: Biofuel Advanced Research and Development, LLC (Sinter Road, Fairless Hills, PA 19030) for installation and operation of a bio-diesel processing plant to be in Falls Township, **Bucks County**. BARD is in the

business of producing biodiesel as an alternative fuel. A chemical process is employed to extract oil from soybeans and process the soybean oil for production as biodiesel. The pollutants of concern from the proposed operation include particulate matter, hexane and methanol emissions. The facility will utilize air pollution control devices to maintain emissions below major threshold levels. 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.

46-0005AF: Merck, Sharpe & Dohme Corp. (Sumneytown Pike, West Point, PA 19486-0004) for installation of one diesel-fired generator to be used for emergency and non-emergency situations at their facility in Upper Gwynedd Township, **Montgomery County**. This installation is not subject to the Department of Environmental Protection NSR regulations or the Federal PSD regulations. There are no add-on control devices for this source. Air contaminant emissions shall not exceed any of the following: 0.12 ton/yr of PM and PM-10; 0.12 ton/yr of SO_x; 2.12 tons/yr of CO; 3.80 tons/yr, and 0.07 ton/yr of VOC. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable

46-0139A: Spray Products Corp. (1323 Conshohocken Road, Plymouth Meeting, PA 19462) for the installation of a can crusher at their facility in Plymouth Township, **Montgomery County**. This facility is a non-Title V facility. The can crusher will have a potential-to-emit of 4.7 tons for VOC. 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.

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

66-315-055: The Procter & Gamble Paper Products Co. (P. O. Box 31, Mehoopany, PA 18692) for modification of paper machines 2M (Source ID 502) for their plant in Washington Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval No. 66-315-055 to The Procter & Gamble Paper Products Co., P. O. Box 31, Mehoopany, PA 18692, for their plant located in Washington Township, Wyoming County. The facility currently has Title V Permit No. 66-00001. This plan approval will be incorporated into their Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 66-315-055 is for the modification of paper machines 2M (Source ID 502). Modification involves installation of a drop out chamber (settling chamber) with estimated control efficiency for the paper dust of 60%. Resulting PM emissions will be less than 0.505 lb/hr and 2.2 TPY.

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.: 66-315-055

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 Raymond Kempa, P. E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone No. 570-826-2511 within 30 days after publication date.

PA 48-309-126.: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) for modification of cement manufacturing operations at Plant I Lower Nazareth Township, **Northampton County** as described in the Permittee's April 7, 2006 Plan Approval Application and subsequent supplemental submissions.

Notice is hereby given under 25 Pa. Code § 127.44 and 40 CFR 72.65, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for ESSROC Cement Corp. (the Permittee), 3251 Bath Pike, Nazareth, PA 18064, Lower Nazareth Township, Northampton County for the proposed modification of cement manufacturing operations at Plant I, as described in the Permittee's April 7, 2006 Plan Approval Application and subsequent supplemental submissions.

A PSD Plan Approval No. 48-309-118C was issued to the company with a CO emissions limitation of 2,807.4 lb/hr, 1-hour average and 1,269.9 lb/hr, 8-hour average, rolling by 1 hour from Kiln stack (KS1). Based on emission data collected the company has requested to revise the short term CO emissions limits on the preheater cement kiln (KS1) at the Nazareth Plant I. The new emissions limits will allow the manageable operations of Kiln System without violation of CO standards. The company has requested to change the 1-hour and 8-hour emissions limits for CO to 5,806.8 lb/hr. No changes were proposed to change annual CO or other pollutant limitations. As a part of this application the company has submitted a revised air dispersion modeling analysis to demonstrate compliance with the applicable standards based on the new emission limit for the Kiln system.

The PSD regulations require specific sources of air pollution, such as the proposed modification of cement manufacturing operations at the Plant I, to satisfy four (4) conditions before approval to modify and operation may granted by the Department. First, all pollutants that are subject to this regulation must be controlled by best available control technology (BACT). Second, particulate

and sulfur dioxide (SO₂) air pollutant emissions must not cause violations of the allowable annual, twenty-four hour, or three-hour air quality class increments applicable in the area where the source is to be located; nor any class increments applicable in any other areas which would be impacted by the source. Third, the maximum allowable increase in concentrations of all pollutants must not cause violation of either the national primary or secondary ambient air quality standards. Finally, the pollutant emissions from the proposed source must not adversely impact upon soils, vegetation and visibility in the vicinity of the proposed plant site.

A preliminary review of the information submitted by The ESSROC Cement Corp. indicates that the modification and operation of the Plant I, will meet all applicable air quality requirements including the four stated above. Based upon these findings, the Department plans to approve the application and issue a permit for the modifications of Plant I.

The following table summarizes the potential emissions from maximum operation of the facility according to the application submitted for the Department's own analysis;

<i>Pollutant</i>	<i>Emission limit Tons/year</i>
CO	3648.14

The emission of this pollutant is within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards. NO_x, SO₂ and PM emissions from the proposed modification will not change. No net increase will occur in total particulate and sulfur dioxide emissions from this project, therefore, the particulate and sulfur dioxide emissions do not affect the allowable annual, twenty-four hour, or three hour air quality class increments applicable in the area. The modeling performed has demonstrated that the proposed net emissions increase in carbon monoxide will not have a significant impact.

According to 40 CFR 52.21(l)(2), an alternative to the air quality models specified in 40 CFR Part 51, Appendix W (relating to Guideline on Air Quality Models) may be used to model air quality if the United States Environmental Protection Agency (EPA) approves the substitute model. Use of the substituted model must also be subject to notice and an opportunity for public comment.

As an alternative to EPA Guideline Models, ISC-PRIME model was used in the air quality analysis for the proposed ESSROC facility. Specific approval for the use of ISC-PRIME in this analysis was granted by the EPA Region III Administrator and was consistent with the recommendations under Section 3.2 of Appendix W to 40 CFR Part 51. The Department is expressly requesting written comments on ISC-PRIME, the EPA-approved substitute model used for the ESSROC modification. Pursuant to 25 Pa. Code §§ 127.44, 127.83 and 40 CFR 52.21(l)(2) and (q), notice is hereby given that the Department is soliciting written comments on the use of the non-guideline model, ISC-PRIME, approved by EPA.

To assure compliance with the applicable standards, the Department will place the following conditions on the plan approval.

1. The facility is restricted to the following clinker production limits:

a. Maximum clinker production no more than 1,891,000 tons per year based on 365 days rolling sum. (Short ton is 2,000 lbs per ton and metric ton is 2200 lbs per ton.)

2. Pursuant to the Best Available Control Technology provision of 25 Pa. Code § 127.83, the kiln system is subject to the following Carbon Monoxide emission limitations:

- a. 5,806.8 lb/hr—1 hour average
- b. 5,806.8 lb/hr—8-hour average, rolling by one hour
- c. 3,648.14 Tons per year, rolling monthly

3. Pursuant to the Best Available Control Technology provision of 25 Pa. Code § 127.83, the air heater is subject to the following Carbon Monoxide emission limitations:

- a. 3.0 lb/hr—1 hour average
- b. 3.0 lb/hr—8-hour average, rolling by one hour

4. The permittee shall keep record on a monthly basis to verify compliance with CO emissions limitations from the facility.

5. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the CO emissions limitations for the facility in any 12 consecutive month period.

6. The company shall immediately notify the Department of any malfunction of, or damage to, source(s) or associated aircleaning device(s) which result in, or may possibly result in, the emissions in excess of the limitations specified in this Plan Approval or any applicable Department Rule or Regulation.

7. Any changes in the location of the aforementioned source, or any changes in the process or control equipment would be considered a modification and would require the submittal of an amended application for plan approval in accordance with the provisions of 25 Pa. Code §§ 127.11 and 127.12.

8. This facility is subject to the requirement of the NESHAP for the Portland Cement Plants 40 CFR 63, Subpart LLL, and shall comply with all applicable requirements of this Subpart. 40 CFR 63.10 requires submission of copies of all requests, reports, applications, submittals, and other communications to both EPA and the Department. The EPA copies shall be forwarded to:

Director
Air Protection Division
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

9. Any notification as a result of any condition herein should be directed to:

Mark J Wejkszner
Air Quality Program Manager
Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18711-0790

10. The company shall not impose conditions upon or otherwise restrict the Department's access to the aforementioned source(s) and/or any associated air cleaning device(s) and shall allow the Department to have access at any time to said source(s) and associated air cleaning device(s) with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 48-309-126, a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

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 Raymond Kempa, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

Copies of the application, air modeling analysis used in the evaluation, the Department's technical review and other supporting documents are available for public inspection between 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (570) 826-2511.

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

41-00078B: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090-7386) for a plan approval to construct three (3) natural gas-fired compressor engines each equipped with oxidation catalysts at their Barto Compressor Station in Penn Township, **Lycoming County**. The respective facility is a major facility for which a Title V operating permit application was mailed to Chief Gathering, LLC to complete and submit to the Department of Environmental Protection (Department).

The Department's review of the information submitted by Chief Gathering, LLC indicates that the construction of the compressor engines equipped with oxidation catalysts will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the compressor engines equipped with oxidation catalysts. Additionally, if the Department determines that the compressor engines equipped with oxidation catalysts are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V operating permit via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued 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, the three 2,370 brake horsepower, natural gas-fired reciprocating

internal combustion engines shall incorporate a “clean burn” electronic control system to control NO_x emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from each engine shall be controlled by a GT Exhaust Systems Model #201VO-6-300-7124 oxidation catalyst units. The permittee shall not operate any of the engines without the simultaneous operation of each respective oxidation catalyst at any time.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for each engine.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of each oxidation catalyst associated with each engine in excess of the limitations listed below:

a. nitrogen oxides (NO_x, expressed as NO₂)—0.50 gm/bhp-hr, 2.61 lb/hr and 11.43 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.275 gm/bhp-hr, 1.44 lb/hr and 6.29 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.158 gm/bhp-hr, 0.83 lb/hr and 3.60 tons in any 12 consecutive month period,

d. particulate matter (PM/PM₁₀)—0.03 gm/bhp-hr, 0.16 lb/hr and 0.68 ton in any 12 consecutive month period,

e. formaldehyde—0.04 gm/bhp-hr, 0.21 lb/hr and 0.92 ton in any 12 consecutive month period.

f. There shall not be any sulfur oxides (SO_x, expressed as SO₂) emissions.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, each oxidation catalyst shall be capable of reducing the carbon monoxide emissions by 90% from each engine.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip each oxidation catalyst with instrumentation to monitor pressure drop across each oxidation catalyst and the inlet gas temperature of each oxidation catalyst and shall monitor these parameters on a continuous basis.

6. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for each engine as specified in 40 CFR 63.6580—63.6675.

7. The permittee shall comply with all applicable requirements of Subpart JJJJ of the Standards of Performance for New Stationary Sources for each engine as specified in 40 CFR 60.4230—60.4248.

8. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic compound and formaldehyde stack tests upon each engine within 120 days from the commencement of operation of each engine to verify compliance with the emission limitations and the carbon monoxide destruction efficiency requirements from each oxidation catalyst associated with each engine.

a. The performance test shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

b. The testing of the inlet and outlet of each oxidation catalyst shall be running simultaneously.

c. The inlet gas temperature and pressure drop of each oxidation catalyst shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop will be established based upon the recorded data and stack test report.

d. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while each engine is operating at +/-10% of full load.

9. At least sixty (60) days prior to the performance of any stack testing required by this permit, the permittee shall submit two (2) copies of a pretest protocol to the Department for review. This protocol shall contain a description of the proposed test methods and procedures and shall include dimensioned drawings or sketches showing the sampling port locations. This protocol shall also identify all air contaminant source and air cleaning device operating parameters to be monitored and recorded during the testing. The Department shall be given at least fourteen (14) days advance notice of the actual date(s) and time(s) on which testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper prior notification having been given. Within sixty (60) days of the completion of any stack testing required by this permit, the permittee shall submit two (2) copies of a test report to the Department. This report shall contain the results of the testing, a description of the test methods and procedures actually used for the performance of the testing, copies of all raw data, copies of all process data and control device operating data collected during the testing and a copy of all calculations generated during data analysis.

10. The permittee shall keep records of the following information:

a. The supporting calculations on a monthly basis used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, particulate matter and formaldehyde emission limitations for each engine in any 12 consecutive month period.

b. The test reports and supporting calculations used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations and carbon monoxide destruction efficiency from each oxidation catalyst associated with each engine.

c. The pressure drop across each oxidation catalyst and the inlet gas temperature of each oxidation catalyst on a continuous basis via a data acquisition system.

These records shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

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, Chief, 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.

03-00215: Allegheny Mineral Corporation (P. O. Box 1022, One Glade Park East, Kittanning, PA 16201) to authorize construction of a new limestone preparation facility by Allegheny Mineral Corporation located in Franklin Township, **Armstrong County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection intends to issue Air Quality Plan Approval PA-03-00215A to authorize the construction of a new limestone preparation facility by Allegheny Mineral Corporation located in Franklin Township, Armstrong County. Sources at this facility will consist of crushers, screens, conveyors, storage piles and other miscellaneous equipment associated with this type of operations. Facility shall be limited to throughput of 800 tons per hour and a 2500,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 65.34 tons of total particulate matter and 20.63 tons of PM₁₀. This installation is subject to State and Federal regulations, including 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing. Plan Approval has been conditioned to ensure compliance with all applicable rules.

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, Chief, West Permitting Section—Telephone: 814-949-7935.

38-05017: Greater Lebanon Refuse Authority (1610 Russell Road, Lebanon, PA 17046-1437) for operation of a municipal landfill in North Lebanon Township, **Lebanon County**. This is a renewal of the Title V Operating Permit issued in 2005.

38-05022: Weaber, Inc. (1231 Mount Wilson Road, Lebanon, PA 17045-4785) for operation of a hardwood dimensional and flooring mill in South Annville Township, **Lebanon County**. This action is a renewal of the Title V Operating Permit issued in 2005. The facility's major sources of emissions are NO_x and CO from boiler operation and particulate matter from the manufacture of hardwood products. There are also minor emissions of SO_x and VOC at the facility. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

65-00720: Kennametal, Inc.—Irwin Facility (1576 Arona Road, Irwin, PA 15642-4565) for operation of manufacturing Industrial Mold, Special Dies, Tools, Jigs, and Fixture at their Irwin Plant facility, Hempfield Township, **Westmoreland County**. This is a Title V Renewal.

65-00853: ArcelorMittal-Monessen, LLC (345 Donner Avenue, Monessen, PA 15062) for the Monessen Coke

Plant in the City of Monessen, **Westmoreland County**. The facility's representative for the Title V application and proposed Title V operating permit is Keith Nagel, Director-Environmental Affairs, ArcelorMittal-Monessen, LLC, 4020 Kinross Lakes Parkway, Richfield, OH 44286-9084, (330) 659-9165. The Monessen Coke Plant is classified as a Major Facility as defined in 25 Pa. Code § 121.1 since the facility has a potential to emit that exceeds 100 tons per year each of NO_x, CO, and SO_x, and greater than 50 tons per year of VOC and 25 tons per year of hazardous air pollutants (HAPs). Air emission sources at this facility include two (2) coke oven batteries (1B and 2) where operation thereof consists of raw material charging, product pushing and quenching, and soaking; stockpiling and material handling operations; a coke oven gas (COG) desulfurization plant; two (2) COG-fired boilers; a coke oven byproducts recovery plant; and COG flares. Annual facility emissions for NO_x and VOC are limited to 681.3 tons and 119.2 tons, respectively as identified by RACT (Reasonably Available Control Technology) Permit 65-000-853 incorporated in 40 CFR 52.2063(172)(i)(B)(9). The design capacity and associated potential emissions from sources at the Monessen Coke Plant are such that the facility is subject to the operating permit requirements of Title V of the Federal Clean Air Act, and 25 Pa. Code Chapter 127, Subchapter G (relating to Title V operating permit requirements). Sources at the facility are subject to applicable requirements of the following: Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units under 40 CFR Part 60, Subpart Db; National Emissions Standards for Benzene Emissions from Coke By-Product Recovery Plants under 40 CFR Part 61, Subpart L; National Emissions Standards for Coke Oven Batteries under 40 CFR Part 63, Subpart L; General Control Device and Work Practice Requirements under 40 CFR 60.18. This Title V operating permit will include requirements for emissions limits, monitoring, testing, work practice standards, recordkeeping and reporting.

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

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

46-00080: Lower Merion School District (301 East Montgomery Avenue, Ardmore, PA 19003) for operation of three (3) boilers which provide heat to the campus building in Lower Merion Township, **Montgomery County**. This action is a renewal of the State-only Operating Permit (Synthetic Minor). The original State-only Operating Permit was issued on April 22, 2005. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00018: RR Donnelley (100 American Drive, Quakertown, PA 18592) for operation of a printing facility in Richland Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The major sources of air emissions are nine lithographic printing presses, four UV cure printing presses and two natural gas-fired boilers. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

40-00119: First Quality Nonwovens (101 Green Mountain Road, Hazleton, PA 18202) a State-only operating permit for a fabric manufacturing facility in Hazle Township, **Luzerne County**. The State-only operating permit includes emissions, monitoring, recordkeeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

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, Chief, West Permitting Section—Telephone: 814-949-7935.

07-03017: Juniata Packing Co. (P. O. Box 276, Tyrone, PA 16686) for operation of a meat processing plant at their facility in Snyder Township, **Blair County**. This is a renewal of the State-only operating permit issued in 2005.

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

53-00009: Morgan Advance Materials & Technology, Inc. (1118 East Second Street, Coudersport, PA 16915) for their facility in Eulalia Township, **Potter County**. The facility's main sources include carbon batch mixers, coking ovens, graphitizers, space heaters, resin mixer, impregnation areas, curing ovens, parts washers and emergency generators. The facility has the potential to emit NO_x, CO, PM (PM₁₀), VOCs and HAPs below the major emission thresholds. The facility has taken a synthetic minor restriction to limit the sulfur oxides (SO_x) emissions below the major thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00075: Construction Specialties, Inc. (P. O. Box 380, Muncy, PA 17756) for their facility in Montgomery Borough, **Lycoming County**. The facility's main sources include a natural gas fired boiler, a surface coating operation consisting of three (3) spray booths, and a woodworking operation with its particulate matter emissions controlled by a fabric collector. The facility has the potential to emit NO_x, CO, PM (PM₁₀), SO_x, VOCs and HAPs below the major emission thresholds. The proposed operating permit 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.

63-00488: Monongahela Valley Hospital (1163 Country Club Road, Monongahela, PA 15063) for operation of boilers, generators, and ethylene oxide sterilizers at Mon Valley Hospital in Carroll Township, **Washington County**. This is a State-only Operating Permit Renewal.

56-00230: Somerset Area School District/Friedens Elementary School (645 S. Columbia Avenue, Somerset, PA 15501-2511) for operation of two boilers and a generator at Friedens Elementary School in Somerset Township, **Somerset County**. This is a State-only Operating Permit Renewal.

56-00155: Somerset Area School District/Senior High School (645 S. Columbia Avenue, Somerset, PA 15501-2511) for operation of two boilers and a generator at Somerset Senior High School in Somerset Borough, **Somerset County**. This is a State-only Operating Permit Renewal.

56-00149: Somerset Area School District/Maple Ridge/Eagle View Elementary (645 S. Columbia Avenue, Somerset, PA 15501-2511) for operation of four boilers and two generators at Maple Ridge/Eagle View Elementary in Somerset Borough, **Somerset County**. This is a State-only Operating Permit Renewal.

03-00245: TJS Mining, Inc. (2340 Smith Road, Shelocta, PA 15774) for operation of the small coal processing facility at its TJS#6 Plant in Plumcreek Township, **Armstrong County**.

30-00112: EQT Plaza (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for operation of compressor station at Mt. Morris in Dunkard Township, **Greene County**. This is a State-only Operating Permit Renewal.

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

10-00230: IA Construction Corporation—Zelienople Plant (158 Lindsay Road, Zelienople, PA 16063) for re-issuance of Synthetic Minor Permit to operate a hot mix asphalt plant located in Jackson Township, **Butler County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

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

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

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

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

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

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

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

Coal Applications Received

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

32101701 and NPDES Permit # PA0235890, Keystone Coal Mining Corporation, (P. O. Box 219, 400 Overview Drive, Shelcta, PA 15774), to operate the O'Donnell No. 4/Manor 8 Treatment System in Washington Township, **Indiana County** and related NPDES permit for post-mining water treatment. Receiving

stream: Unnamed tributary to Sugarcamp Run, classified for the following use: CWF. Application received: February 3, 2010.

56071301 and NPDES Permit # PA0235814, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Horning Deep Mine in Stonycreek Township, **Somerset County** to add underground permit and subsidence control plan acres. Underground Acres Proposed 76.3, Subsidence Control Plan Acres Proposed 1,680.0. No additional discharges. Application received: February 23, 2010.

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

32100201 and NPDES No. PA0262960. Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface coal refuse reprocessing mine in Brushvalley Township, **Indiana County**, affecting 58.5 acres. Receiving stream(s): Blacklick Creek classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 17, 2010.

56990104 and NPDES No. PA0235181. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 140.0 acres. Receiving stream(s): unnamed tributaries to/and Gum Run; unnamed tributaries to/and Roaring Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning Dam Withdrawal. Application received: February 25, 2010.

56920113 and NPDES No. PA02123000. Action Mining, Inc., 117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface mine to add 4.0 acres for the purposes of constructing a small fill across the headwaters of the hollow in the center of the permit, changing the total SMP acres from 106.0 to 110.0, in Summit and Elk Lick Townships, **Somerset County**, affecting 106.0 acres. Receiving stream(s): unnamed tributaries to/and Casselman River classified for the following use(s): cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2009.

56070101 and NPDES No. PA0262277. Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface mine to change the land use from woodland to unmanaged natural habitat, in Paint Township, **Somerset County**, affecting 223.3 acres. Receiving stream(s): unnamed tributaries to Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 29, 2010.

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

33040104 and NPDES Permit No. PA0242527. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface strip operation in Union Township, **Jefferson County** affecting 16.5 acres. Receiving streams: Unnamed tributary to Simpson Run, classified for the following: CWF: There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: March 8, 2010.

16050107 and NPDES Permit No. PA0257931. T. C. Mining (252 Lower Hayes Run Road, Kittanning, PA 16201) Renewal of an existing bituminous surface and sandstone and shale removal operation in Madison Township, **Clarion County** affecting 111.7 acres. Receiving streams: Unnamed tributaries to Catfish Run and unnamed tributaries to the Allegheny River, classified for the following: WWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company. Application for reclamation only. Application received: March 9, 2010.

61040102 and NPDES Permit No. PA0242560. Bedrock Mines, LP (111 Freeport Road, Aspinwall, PA 15215) Renewal of an existing bituminous surface strip operation in Irwin Township, **Venango County** affecting 58.0 acres. Receiving streams: Unnamed tributaries to Scrubgrass Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 10, 2010.

33100102 and NPDES Permit No. PA0258831. MSM Coal Co., Inc. (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous strip operation in Oliver Township, **Jefferson County** affecting 32.0 acres. Receiving streams: Three unnamed tributaries to Little Sandy Creek, classified for the following state-wide uses: CWF; and one unnamed tributary to Beaver Run, classified for the following state-wide uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 8, 2010.

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

17813182 and NPDES No. PA0609692. Penn Coal Land, Inc. (P. O. Box 68, Boswell, PA 15581). Renewal of an existing bituminous surface mine located in Decatur Township, **Clearfield County** affecting 125.8 acres. Receiving streams: unnamed tributary of Big Run (Cold Water Fishery), to Big Run (Cold Water Fishery), to Moshannon Creek (High Quality Cold Water Fishery), to the West Branch of the Susquehanna River (Cold Water Fishery). There are no potable water supply intakes within 10 miles downstream. Application received: March 3, 2010.

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

54730302R5 and NPDES Permit No. PA0012360. Lehigh Coal & Navigation Co., (101 North Centre Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal, preparation facility and coal ash placement operation in Tamaqua, Coaldale, Summit Hill, Lansford and Nesquehoning Boroughs, **Schuylkill and Carbon Counties** affecting 7,596.4 acres, receiving stream: Little Schuylkill River. Application received: March 9, 2010.

40990101R2. Hazleton Shaft Corporation, (P. O. Box 435, Hazleton, PA 18201), renewal of an existing anthracite surface mine, refuse reprocessing, refuse disposal and coal preparation plant operation in Hazle Township and Hazleton City, **Luzerne County** affecting 481.0 acres, receiving stream: none. Application received: March 10, 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.

03920301 and NPDES Permit No. PA0097250. Continental Clay Company (P. O. Box 1013, 260 Oak Avenue, Kittanning, PA 16201). NPDES renewal application for continued mining of a large noncoal surface mine, located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: unnamed tributaries to Allegheny 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: March 10, 2010.

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

4876SM20. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16804-0135) Revision to an existing gravel operation to revise the permit area in Pittsfield Township, **Warren County** affecting 106.9 acres. Receiving streams: Little Brokenstraw Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 9, 2010.

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

6774SM1 and NPDES No. PA0594695. National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Perry Township, **Snyder County**. Receiving stream: North Branch Mahantango Creek classified for Trout Stocked Fishery. Application received: March 5, 2010.

17860301 and NPDES No. PA0115550. North Star Aggregates, Inc. (P. O. Box 51, 12933 Bennetts Valley Highway, Penfield, PA 15849). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Huston Township, **Cearfield County**. Receiving streams: Bennett Branch to Sinnemahoning Creek classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 2, 2010.

08100301 and NPDES No. PA0257303. M.R. Dirt, Inc. (R. R. 2, Box 147, Towanda, PA 18848). Commencement, operation and restoration of an Industrial Mineral Permit (overburden, shale/bluestone) located in Asylum Township, **Bradford County** affecting 20.0 acres. Receiving streams: unnamed tributary to Bennetts Creek and

Bennetts Creek to the Susquehanna River classified for Warm Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 8, 2010.

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

46030301C and NPDES Permit No. PA0224308. Gibraltar Rock, Inc., (355 Newbold Road, Fairless Hills, PA 19030), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in New Hanover Township, **Montgomery County**, receiving stream: unnamed tributary to Swamp Creek, classified for the following use: trout stock fishery and migratory fishes. Application received: March 8, 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

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

E28-362: Turnpike Commission, Attn: Gary L. Graham, P. O. Box 67676, Harrisburg, PA 17106-7676, Blue Mountain Interchange, Lurgan Township, **Franklin County**, ACOE Baltimore District.

To: (1) temporarily relocate 135.0 feet of an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 5"; Longitude: 77° 37' 45"); (2) repair and maintain an existing 60.0-inch CMP culvert by slip-lining it with 54.0-inch HDPE and construct and maintain a 20.0-foot culvert extension, endwall and riprap on the downstream side in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 5"; Longitude: 77° 37' 45"); (3) extend and maintain an existing 30.0-inch RCP culvert by 30.0 feet on the downstream side in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 8"; Longitude: 77° 37' 35"); (4) extend and maintain an existing reinforced concrete arch culvert by 25.0 feet on the upstream side and 51.0 feet on the downstream side in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 14"; Longitude: 77° 37' 22"); (5) replace and maintain a 24.0-inch RCP with a 30.0-inch RCP in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 17"; Longitude: 77° 37' 15"); (6) extend and maintain an existing open bottom reinforced concrete arch culvert by 8.0 feet upstream and 17.0 feet downstream in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 23"; Longitude: 77° 37' 4"); (7) extend and maintain an existing concrete slab bridge by 37.0 feet on the downstream side in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 14"; Longitude: 77° 36' 47"); (8) relocate 127.0 feet of stream and construct and maintain a 250.0-foot long 30.0-inch RCP in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 25"; Longitude: 77° 36' 51"); (9) construct and maintain 34.0-foot long 30.0-inch RCP culvert in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 24"; Longitude: 77° 36' 49"); (10) relocate 266.0 feet of stream and construct and maintain a 144.0-foot long 24.0-inch RCP culvert, relocate 175.0 feet and construct and maintain a 24.0-inch high by 38.0-inch wide RCP culvert in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40° 9' 33"; Longitude: 77° 36' 47"); (11) relocate 45.0 feet of stream and extend and maintain an existing open-bottom reinforced concrete arch culvert by 39.0 feet upstream and 24.0 feet downstream in Laughlin Run (WWF, MF) (Latitude: 40° 9' 35"; Longitude: 77° 36' 42"); and (12) fill and maintain 0.11 acre of wetland (0.016 acre PEM and 0.099 acre PEM/PSS) and a 0.59 acre pond in the Laughlin Run (WWF, MF) watershed. The project is located between mileposts 200.4 and 202.3 on Interstate 76 (from Doylestown, PA Quadrangle N: 4.78 inches; W: 0.61 inch,

Latitude: 40° 9' 5"; Longitude: 77° 37' 45" to Newburg, PA Quadrangle N: 6.35 inches; W: 15.63 inches, Latitude: 40° 9' 35"; Longitude 77° 36' 42") in Lurgan Township, Franklin County. The purpose of the project is to improve existing interchange geometry, widen the roadway, improve safety conditions, and to upgrade culverts and stormwater management facilities.

E67-879: Penn Township, 20 Wayne Avenue, Hanover, PA 17331, Penn Township, **York County**, ACOE Baltimore District.

The applicant proposes to remove a wastewater treatment tank and to install and maintain a sanitary sewer line in the 100-year flood plain of Oil Creek (WWF) for the purpose of upgrading the Penn Township Wastewater Treatment Plant. The project is located at 1020 Wilson Avenue, Hanover, PA 17331 (Hanover, PA Quadrangle N: 11.45 inches; W: 11.03 inches, Latitude: 39° 48' 46"; Longitude: 76° 57' 13") in Penn Township, York County

E34-127: Buttonwood Campground, P. O. Box 223 River Road, Mexico, PA 17056, Walker Township, **Juniata County**, ACOE Baltimore District.

To regrade and maintain the stream bank and floodway along 1,400.0 feet of the left bank of the Juniata River (WWF, MF), for the purpose of improving campsites and the aesthetic value of the Juniata River at the existing Buttonwood Campground. The project is located approximately 500 feet southwest of the intersection of T380 and Front Street (Mexico, PA Quadrangle N: 6.1 inches; W: 3.1 inches, Latitude: 40° 32' 2.5 N"; Longitude: 77° 21' 15.5" W) in Walker Township, Juniata County. No wetlands will be impacted by this project.

E21-415: Turnpike Commission, Frank J. Kempf, P. O. Box 67676, Harrisburg, PA 17106-7676, Mount Rock Spring Creek bridge replacement, West Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing two-span structure and construct and maintain a 121.3-foot wide, single-span bridge having a normal span of 63.5 feet and an underclearance of 7.6 feet across Mount Rock Spring Creek (WWF) for the purpose of improving transportation safety and roadway standards. The project is located at mile marker 218.10 along the Turnpike (Plainfield, PA Quadrangle N: 15.1 inches; W: 7.9 inches, Latitude: 40° 12' 18"; Longitude: -77° 18' 16") in West Pennsboro Township, Cumberland County.

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

E17-456. Shelly Oil and Gas, Inc., 900 Allegheny Avenue, Avonmore, PA 15618-9748. Shelly Oil and Gas Fleming Natural Gas Pipeline Project, Bell and Brady Townships, **Clearfield County**, ACOE Pittsburg District (Mahaffey, PA Quadrangle Latitude: 40° 59' 52.5"; Longitude: 78° 44' 36.8").

Shelly Oil and Gas, Inc. proposes to construct, operate, repair and maintain a natural gas pipeline that require encroachment of the following of four (4) Exceptional Value wetlands and four (4) High Quality-Cold Water Fishery streams:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Wetland 1	Pipeline Crossing	Tributary Beech Run	EV	40° 59' 40.9"	78° 44' 33.55"
Wetland 2	Pipeline and Road Crossing	Tributary Beech Run	EV	40° 59' 38.9"	78° 44' 31.8"
Wetland 3	Pipeline Crossing	Tributary Beech Run	EV	40° 59' 37.5"	78° 44' 30.6"
Wetland 4	Pipeline Crossing	Tributary Laurel Branch Run	EV	40° 39' 52.37"	78° 44' 38.23"
Watercourse 1	Pipeline Crossing	Tributary Beech Run	HQ-CWF	40° 59' 41.0"	78° 44' 33.6"
Watercourse 2	Pipeline Crossing	Beech Run	HQ-CWF	40° 59' 50.0"	78° 44' 41.3"
Watercourse 3	Pipeline Crossing	Tributary Laurel Branch Run	HQ-CWF	40° 59' 52.04"	78° 44' 38.7"
Watercourse 4	Pipeline Crossing	Tributary Laurel Branch Run	HQ-CWF	40° 59' 53.5"	78° 44' 36.8"

All in-stream construction, repair and maintenance work shall be conducted in dry work conditions by boring, dam and pumping, fluming or diverting stream flow around work areas. Since Beech and Laurel Branch Runs are wild trout fisheries, no construction or future repair work shall be done in or along the stream channels between October 1 and December 31 without prior written approval from the Fish and Boat Commission. This permit also authorizes the construction, operation, maintenance and removal of temporary stream diversions, flumes, cofferdams, roadways and causeways necessary for pipeline construction and repair. The proposed 0.09-acre of wetland and 10-feet of watercourse impact incurred for activities authorized herein shall be temporary. The permittee shall perform all authorized activities, so that all proposed impacts are temporary. The project is located along the northwestern and western right-of-way of Beech Run Road (T-336) approximately at the intersection of 5 Ponds and Beech Run Roads.

E18-453. Lamar Township, 148 Beagle Road, Mill Hall, PA 1-7751-9493. Stoltzfus Channel Stabilization & Fencing Project, in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41° 5' 28"; W: 77° 23' 39").

To construct and maintain 5675 linear feet of streambank fencing to create a 35 foot wide riparian buffer along 1,550 feet of Chub Run and another 1,300 feet of an unnamed tributary. Woody vegetation will be planted in this newly established riparian buffer. In addition to fencing, the project includes abandoning a large animal and equipment crossing near a barn, improving an existing crossing on Chub Run, and constructing a new animal crossing on the unnamed tributary located 1,100 feet north on Stover's Cross Road from Beagle Road. All of the potential stream channel encroachments sites are identified in the following table, some locations may not require bank modifications. The total permanent channel impacts will be 431 feet out of 2,850 feet total project length in or along Chub Run and its tributaries that are classified as High Quality-Cold Water Fisheries.

<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Channel Length (feet)</i>
Channel relocation 1 (culvert)	41° 05' 23.7"	-77° 23' 42.3"	78
Channel relocation 2 (oxbow)	41° 05' 24.6"	-77° 23' 41.5"	122
New UNT confluence	41° 05' 24.6"	-77° 23' 40.6"	10
New pond overflow outlet	41° 05' 24.7"	-77° 23' 41.1"	6
Abandon Stream crossing	41° 05' 28.6"	-77° 23' 37.3"	20
Stream crossing 1	41° 05' 29.6"	-77° 23' 36.4"	20
Stream crossing 2 (UNT)	41° 05' 24.4"	-77° 23' 34.1"	15
Streambank stabilization	41° 05' 24.0"	-77° 23' 41.7"	20
Streambank stabilization	41° 05' 25.2"	-77° 23' 39.8"	25
Streambank stabilization	41° 05' 27.0"	-77° 23' 38.4"	25
Streambank stabilization(UNT)	41° 05' 24.6"	-77° 23' 27.8"	55
Streambank stabilization (UNT)	41° 05' 24.5"	-77° 23' 32.6"	35
Total channel length impacts			431

E53-426. Allegheny Enterprises, Inc., 3885 Roller Coaster Road, Corsica, PA 15829. Allegheny Enterprise After-the-Fact Frantz Natural Gas Well and Pipeline Development Genesee Township, **Potter County**, ACOE Pittsburgh District (Ellisburg, PA Quadrangle Latitude: 41° 56' 52.09"; Longitude: 77° 55' 17.57").

Allegheny Enterprises, Inc. proposes to operate, repair and maintain a previously installed natural gas well and pipeline that required encroachment of the following of five (5) wetlands and four (4) streams:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Watercourse 1	Pipeline Crossing	Tributary Ellisburg Creek	HQ-CWF	41° 56' 26.52"	77° 55' 04.02"
Wetland 1	Pipeline Crossing	Tributary Ellisburg Creek	EV	41° 56' 28.88"	77° 55' 08.81"
Watercourse 2	Pipeline Crossing	Tributary Ellisburg Creek	HQ-CWF	41° 56' 28.88"	77° 55' 08.81"
Wetland 2	Pipeline Crossing	Tributary Ellisburg Creek	EV	41° 56' 31.24"	77° 55' 11.46"
Watercourse3	Pipeline Crossing	Tributary Ellisburg Creek	HQ-CWF	41° 56' 31.24"	77° 55' 11.46"
Wetland 3	Pipeline Crossing	Tributary Ellisburg Creek	EV	41° 56' 32.72"	77° 55' 12.78"
Watercourse 4	Pipeline Crossing	Tributary Ellisburg Creek	HQ-CWF	41° 56' 37.32"	77° 55' 16.25"
Wetland 4	Pipeline Crossing	Tributary Ellisburg Creek	EV	41° 56' 46.01"	77° 55' 17.07"
Wetland 5	Gas Well #1	Tributary Ellisburg Creek	EV	41° 56' 52.09"	77° 55' 17.57"

Since the tributary to Ellisburg Creek is a wild trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without prior written approval from the Fish and Boat Commission. Installation of the gas well and pipeline resulted in 0.02-acre and 20-feet of permanent wetland and stream impacts, respectively. The project is located along the western right-of-way of the Dogtown Road (T-561) approximately south of Wiles (T-528) and Dogtown Roads intersection. The Department of Environmental Protection has deemed the permanent wetland impacts incurred by clearing and grubbing for gas well and pipeline construction as de minimis, for which mitigation of those impacts with replacement wetlands shall not be required.

E53-430. Coudersport Borough Authority, 201 South West Street, Coudersport, PA 16915-1047. Water Main Relocation Project, Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle Latitude: 41° 46' 45.2"; Longitude: 78° 01' 11.3").

The applicant proposes to construct, operate and maintain an 8-inch diameter public water supply pipeline crossing beneath the Allegheny River (High Quality-Cold Water) to accommodate relocation of the Fourth Street Bridge. Installation of the water supply pipeline shall be accomplished by boring beneath the Allegheny River, which also serves as the Coudersport Borough Flood Control Project. The water supply pipeline and its 16-inch diameter steel encasement shall be installed at a maximum depth below the flood control channel, so that flood control structure is not comprised. As proposed, the project poses no impact to wetlands or the waterway, which is located approximately 500 feet east of Fourth Street and SR 0049 intersection.

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

E63-623. Samuel F. Minor, 1531 Route 136, Washington, PA 15301. To construct and maintain an intake and outfall structures in North Strabane Township, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle N: 13.25 inches; W: 4.4 inches,

Latitude: 40° 11' 43"; Longitude: 80° 09' 26"). The applicant proposes to construct and maintain an intake and outfall structures in an unnamed to Little Chartiers Creek (HQ/WWF) for the purpose of collecting and discharging water for a proposed off stream farm pond. The project is located on the west side of Linnwood Road approximately 4,000' south of its intersection with Ridge Road.

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

E25-724 Amendment, 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").

The applicant is proposing to amend Permit E25-724 which authorized the City of Erie to construct and maintain one 40-foot long by 8-foot wide and one 20-foot long and 8-foot 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.

The proposed amendment is to construct and maintain: 1) one 40-foot long by 8-foot wide and one 20-foot long and 8-foot wide pedestrian bridge over Cascade Creek (WWF); 2) walkway trails at grade within the assumed 50 foot floodway of Cascade Creek; 3) an oval shaped ice skating rink within the floodway and FEMA approximate floodplain at 0.5 below existing grade and having approximate dimensions of 180 feet by 145 feet; and 4) a stream stabilization/restoration project having a length of approximately 1,500 feet and including cross vanes, brush matting, log vanes, J-hooks and rock armouring 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.

E43-305, Tri-County Landfill, Inc., 159 TCI Park Drive, Grove City, PA 16127. Tri-County Landfill remediation project in Pine and Liberty Townships, **Mercer County**, ACOE Pittsburgh District (Mercer, PA Quadrangle N: 3.2 inches; W: 1.3 inches).

On January 5, 2004, Tri-County Landfill, Inc. submitted an application to excavate and or fill approximately 2.48 acres of palustrine scrub-shrub, palustrine emergent and palustrine forested wetlands as part of a landfill remediation project approximately 3,750 feet east of the intersection of SR 0208 and SR 0250 at the Tri-County Landfill, Inc. properties. The applicant is required to provide 4.41 acres of replacement wetlands.

On December 14, 2009, Tri-County revised the January 5, 2004, application. The revised application reduces the wetland impact by 0.90 acre. The revised application seeks to excavate and or fill approximately 1.58 acres of palustrine scrub-shrub, palustrine emergent and palustrine forested wetlands as part of a landfill remediation project approximately 3,750 feet east of the intersection of SR 0208 and SR 0250 at the Tri-County Landfill, Inc. properties. The applicant also proposes to construct a leachate discharge line approximately 900 feet to an unnamed tributary to Black Run. The applicant will provide 4.41 acres of replacement wetlands.

E62-422, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110. State Game Lands 86-Thompson Run Bridge, in Deerfield Township, **Warren County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 41° 46' 18"; W: 79° 19' 42").

To construct and maintain a bridge with steel I-beam superstructure, concrete abutments and timber deck having a clear span of 30 feet and an underclearance of approximately 3.8 feet on Thompson Run in State Game Lands #86 approximately 2.0 miles NE of the intersection of Davey Hill and Youngsville Roads. Thompson Run is a perennial stream classified as a cold water fishery

ENVIRONMENTAL ASSESSMENT

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

EA17-008. Emigh Run/Lakeside Watershed Association, Inc., P. O. Box 204, Morrisdale, PA 16858. Graham Township, **Clearfield County**, ACOE Baltimore District.

Acid mine drainage abatement project on Hubler Run in which the applicant has requested a restoration waiver to construct, operate, and maintain an AMD abatement project consisting of three Anoxic Limestone Drains and two settling basins. Improvements to the Hubler Run 1 AMD Treatment System will result in 1.3 acres of disturbance and 0.07 acre of temporary PEM wetland impact and 0.01 acre of permanent wetland impact. The designated use for Hubler Run is Cold Water Fishery. This project is part of a larger restoration plan for the Hubler and Alder Runs watersheds (Frenchville, PA Quadrangle Latitude: N 41° 1' 0.9"; Longitude: W 78° 13' 21.8").

DAM SAFETY

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

D46-349. Upper Gwynedd Township, P. O. Box 1, Parkside Place, West Point, PA 19486. To construct, operate, and maintain Prospect Meadows Detention Basin Dam across a tributary to Wissahicken Creek (TSF), impacting 0.04 acre of wetlands and 230 linear feet of the stream channel, for the purpose of stormwater detention (Lansdale, PA Quadrangle N: 16.3 inches; E: 15.1 inches) in Upper Gwynedd Township, **Montgomery County**.

D15-127EA. Arthur and Roberta Blumenthal, 1801 Swedesford Road, Malvern, PA 19355. To rehabilitate Thomas Jerman Dam across Valley Creek (EV, MF) in Tredyffrin Township, **Chester County**, to meet Dam Safety regulations and enhance public safety. The dam is located approximately 1,200 feet northwest of the intersection of Swedesford and North Valley Roads (Valley Forge, PA Quadrangle Latitude: 40° 03' 57"; Longitude: -75° 29' 32"). The project will necessitate temporary impacts to 45 lineal feet of Valley Creek, and permanent impacts to 155 lineal feet of Valley Creek and 0.005-acre of palustrine emergent wetland. The wetland impact is considered deminimus and replacement is not required.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

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

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10001	Pignuts, Inc., d/b/a Sealmaster 6853 Ruppsville Road Allentown, PA 18106 Attn: Mr. Darrel Stein	Bucks	New Britain Borough	3 ASTs storing pavement sealer	28,000 gallons total

ACTIONS

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

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0024341 (POTW- renewal)	Canton Borough Authority P. O. Box 237 Canton, PA 17724	Bradford County Canton Borough	Towanda Creek SWP 4C	Y
PA0024538	Beech Creek Borough Authority STP P. O. Box 216 Beech Creek, PA 16822	Clinton County Beech Creek Borough	Beech Creek 9C	Y

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

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

NPDES Permit No. PA0027219-A1, Sewage, **Greater Uniontown Joint Sewer Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. This existing facility is located in North Union Township, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment issuance for re-rating.

NPDES Permit No. PA0254185, Industrial Waste, **Reserved Environmental Services, LLC**, 424 Ironwood Drive, Canonsburg, PA 15317. This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Treatment and recycle of drilling fluids. The Department of Environmental Protection intends to reopen the approved Sewickley Creek TMDL to include RES' discharge with limits on iron, aluminum and manganese at their respective water quality criteria.

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

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

WQM Permit No. 1510401, Sewerage, **Tredyffrin Township**, 1100 DuPortail Road, Berwyn, PA 19312. This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Action/Activity: Upgrade of the Wilson Road Pump Station from 16.3 mgd to 20.16 mgd peak capacity and misc. improvements.

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

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

WQM Permit No. 1509407, Sewerage, **Penn Township**, 260 Lewis Road, West Grove, PA 19390. This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Construction and operation of 2 sewage pump stations.

WQM Permit No. 0996409, Sewerage, **Amendment, Department of Conservation and Natural Resources—Bureau of State Parks, Nockamixon State Park**, P. O. Box 8551, Harrisburg, PA 17105-8551. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Action/Activity: Add re-equalization tank, reduce SBR basin dimensions and reduce chlorine contact tank dimensions.

WQM Permit No. WQG02091002, Sewerage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a low pressure system to serve the Melsky Subdivision.

WQM Permit No. WQG02091003, Sewerage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station and low pressure sewer system.

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

WQM Permit No. WQG02061001, Sewage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of sewer collection system for Village of Bethel.

WQM Permit No. 6709403, Sewage, **Joshua Hill Sewer Company**, 929 Baltimore Street, Hanover, PA 17331. This proposed facility is located in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a lift station, two continuous flow SBR basins with decanter, a rapid mixer with mix tank, tertiary drum filter and ultraviolet disinfection. Additionally, the WWTP also includes chemical addition to the aeration basin and decant effluent line. An aerobic digester is also included in the WWTP design.

WQM Permit No. 0609401, Sewage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530. This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of influent pump station, mechanical screen, aerated grit chamber, equalization tank, anoxic tank, aerobic tanks, final clarifiers, UV disinfection system, cascade aeration tank, effluent flow meter, outfall sewer, sludge holding tank and control building.

WQM Permit No. 0109405, Sewage, **United States Army, Fort Detrick**, 201 Beasley Drive, Suite 100, Fort Detrick, MD 21702-5029. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Permit amendment approving the construction of sewerage facilities consisting of the replacement of two existing Aqua Aerobic Systems, Inc. (AASI) Automatic Backwash Filter units (Model ABF-006) with two AASI Aqua Minidisk cloth media disk filtration units (model no. ADFP—12x6/4E-PC) and equipment peripherals.

WQM Permit No. WQG02220901, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Harrisburg, PA 17112. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of two new submersible nonclog pumps in upgrading the Linglestown Pump Station.

WQM Permit No. 3609204, **CAFO, Oregon Dairy, LLC**, 2870 Oregon Pike, Lititz, PA 17543. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction of manure storage and sand settling facilities consisting of one 225' wide by 300' long by 12' deep liquid manure storage impoundment with a 12-inch clay sub-base a design coefficient of permeability of no greater than 10-4 cm/sec, 12-oz geotextile on the sub-base, 60-mil HDPE liner, a leak detection trench lined on the sides and bottom with 60-mil HDPE or 45-mil EPDM, an observation pit that receives leak detection drainage from the impoundment and an outlet pipe from the observation pit; ancillary improvements necessary to implement this project including pumps, prefabricated tanks and transfer lines.

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

WQM Permit No. 0472402-A4, Sewerage, **City of Beaver Falls**, 715 15th Street, Beaver Falls, PA 15010. This existing facility is located in the City of Beaver Falls, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 3009402, Sewerage, **Dry Tavern Sewer Authority**, P. O. Box 194, Rices Landing, PA 15357. This proposed facility is located in Jefferson Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pressure sewer system extension.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI025209003	Danalex Developing Corp. 81-15 192nd Street Jamaica Estates, NY 11423	Pike	Delaware Township	Dingmans Creek HQ-CWF, MF
PAI024809007	Wind Gap Holdings, LP 2300 Highland Avenue Bethlehem, PA 18020	Northampton	Plainfield Township	Tributary to Little Bushkill Creek HQ-CWF, MF
PAI021309005	Phase III Environmental 405 Watson Park Boulevard Lehighton, PA 18235-9168	Carbon	Palmerton Borough	Lehigh River TSF, MF
PAI024804016R	Palmer Township 3 Weller Place P. O. Box 3039 Palmer, PA 18043	Northampton	Palmer Township	Bushkill Creek HQ-CWF, MF
PAI023907005(1)	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Jordan Creek TSF, MF

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

Somerset County Conservation District, Somerset Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814-445-4652).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI055609004	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17676	Somerset	Jefferson Township	UNT to Laurel Hill Creek HQ-CWF Watersheds

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Whitehall Township Lehigh County	PAG2003909008	Gateway View, LLC Attn: John Fretz 188 Jefferson Street Emmaus, PA 18049	Coplay Creek CWF, MF	Lehigh County Conservation District 610-391-9583
Dallas Township Dallas Borough Luzerne County	PAG2004009022	BM Partners, LLC Attn: William J. Grant 60 Dorchester Drive Dallas, PA 18612	Toby Creek CWF, MF	Luzerne County Conservation District 570-674-7991
East Brunswick Township Schuylkill County	PAG2005409004	Phillip Joswick 51 Ricks Road New Ringgold, PA 17960	Tributary to Little Schuylkill River CWF, MF	Schuylkill County Conservation District 570-622-3742
Dover Township York County	PAR10Y567-R	George C. Desmond President King's Court Associates, LP 1085 Manheim Pike Lancaster, PA 17601	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Union Township Berks County	PAG2000609042	Gary Otto Daniel Boone School District 321 Furnace Street Birdsboro, PA 19508	UNT to Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
City of Reading Berks County	PAG2000610005	Opportunity House Attn: Modesto Fume 430 North 2nd Street Reading, PA 19601	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Maidencreek Township Berks County	PAG2000604061-R	David W. Zwicky Zwicky Processing & Recycling, Inc. 220 Buena Vista Road Fleetwood, PA 19522	Maidencreek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Oley Township Berks County	PAG2000610012	Randy Hoch 95 Reider Road P. O. Box 281 Oley, PA 19547	Furnace Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Middle Paxton Township Dauphin County	PAG2002209037-1	Jeffrey Smith Middle Paxton Township 1304 Overlook Street Dauphin, PA 17018	Stoney Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lower Paxton Township Susquehanna Township Dauphin County	PAG2002209013	William Weaver Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Allegheny Township Blair County	ESCGP10710801	Mark Malik Dominion Peoples Gas Company 3115 Elton Road Johnstown, PA 15904	Beaverdam Branch Juniata River—Spencer Run—UNT to Blair Gap Run—Blair Gap Run TSF-WWF-CWF-TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877, Ext. 5
Derry Township Dauphin County	PAG2002209039	James Negley Derry Township 600 Clearwater Road Hershey, PA 17033	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lower Paxton Township Dauphin County	PAG2002210003	Handwerk Site Contractor P. O. Box 326 Hummelstown, PA 17036-0326	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Penn Township York County	PAG2006705026-R	Burkentine & Sons Builders, Inc. 1500 Baltimore Pike Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-74320
Lower Swatara Township Dauphin County	PAG2002209036	Ronald A. and Patricia A. Burkholder 1403 Farmhouse Lane Middletown, PA 17057	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Derry Township Dauphin County	PAG2002209024	John Osmolinski Milton Hershey School P. O. Box 830 Hershey, PA 17033-0830	Spring Creek East WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
West Manchester Township York County	PAG2006705032-R	Robert A. Kinsley Kinsley Equities II 6259 Reynolds Mill Road Seven Valleys, PA 17360	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-74320

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Spring Grove Borough York County	PAG2006704122-R	Robert A. Kinsley Kinsley Equities II 6259 Reynolds Mill Road Seven Valleys, PA 17360	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-74320
Benner and Spring Townships Centre County	PAG2001405014R	Michael Glass Amberleigh, LP 701 Creekside Lane Lititz, PA 17543	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
City of Williamsport Lycoming County	PAG2004109001(1)	Kevin Kilpatrick River Valley Transit 1500 West 3rd Street Williamsport, PA 17701	Lycoming Creek WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Allegheny County Pittsburgh	PAG2000209055	Phipps Conservatory & Botanical Gardens One Schenley Avenue Pittsburgh, PA 15213	Monongahela River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Ohio Township	PAG2000205005-R	Triumph Baptist Church 201 Frederick Avenue Sewickley, PA 15143	Bear Run TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Findlay Township	PAG2000209067	Findlay Township P. O. Box 409 Clinton, PA 15026	Potato Garden Run WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Hampton Township	PAG2000209072	John Miller P. O. Box 244 Glenshaw, PA 15116	Pine Creek TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG2000209053	The Neighborhood Academy 5231 Penn Avenue Pittsburgh, PA 15224	Allegheny River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Richland Township	PAG2000209073	Joseph B. Fay Company P. O. Box 66 Russellton, PA 15076	Montour Run TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG2000209069	Pittsburgh Public Schools 1305 Muriel Street Pittsburgh, PA 15203	Chartiers Creek WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County South Fayette Township	PAG2000209056-1	Mele & Mele & Sons, Inc. One Mele Place Rankin, PA 15104	Millers Run WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Findlay Township	PAG2000209070	Findlay Township Municipal Authority P. O. Box 409 Clinton, PA 15026	Montour Run WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Edgeworth Borough	PAG2000209065	Sewickley Academy 315 Academy Avenue Sewickley, PA 15143	Ohio River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG2000209075	Allegheny County Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233	Ohio River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Bridgeville Borough	PAG2000209054	Bridgeville Public Library 441 Station Street Bridgeville, PA 15017	Chartiers Creek WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Collier Township	PAG2000209061	Collier Township Municipal Authority 2418 Hilltop Road Presto, PA 15141	Robinson Run WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Plum Borough	PAG2000209008-1	T. D. Holdings, LLC 100 Saxonburg Boulevard Cheswick, PA 15024	Plum Creek WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Shaler Township	PAG2000209013-1	Echo Real Estate 701 Alpha Drive Pittsburgh, PA 15238	Pine Creek TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Neville Township	PAG2000209006	JLS Land Company, LLC 1426 Laurel Drive Sewickley, PA 1543	Ohio River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Robinson Township	PAG2000209064	Burwood Acres, LLC 1018 Center Oak Drive Pittsburgh, PA 1537	Montour Run TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County McKees Rocks Borough Kennedy and Stowe Townships	PAG2000209002	ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233	Chartiers Creek WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Richland Township	PAG2000209063	Richland Township 4019 Dickey Road Gibsonia, PA 15044	Deer Creek CWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Pittsburgh and Baldwin Boroughs	PAG2000209068	Pennsylvania-American Water Company 300 Galley Road McMurray, PA 15317	Becks Run and Monongahela River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG2000209005	Allegheny Academy 900 Agnew Road Pittsburgh, PA 15207 and Facchiano Contracting 801 McNeilly Road Pittsburgh, PA 15226	Monongahela River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Collier Township	PAG2000204102-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Scotts Run WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Franklin Park Borough	PAG2000204096-R	Eddy Homes, Inc. 4000 Washington Road McMurray, PA 15317	Pine Creek TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County South Park Township	PAG2000204116-R	Quality Rentals 2440 Brownsville Road Pittsburgh, PA 15210	Lick Run TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Collier Township	PAG2000204097-R	Rimco Properties 100 Sandune Drive Pittsburgh, PA 15239	Chartiers Creek WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County West Mifflin Borough	PAG2000209076	Peter J. Caruso & Sons 352 Baldwin Road Pittsburgh, PA 15207	Monongahela River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Penn Hills	PAG2000209071	Penn Hills School District 309 Collins Drive Pittsburgh, PA 15235	Thompson Run WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County McCandless Township	PAG2000209074	McCandless Crossing Associates, LLC 102 West Anderson Street Selma, NC 27576-2562	Pine Creek TSF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County McCandless Township	PAG2000209077	Kimco Realty Corp. 5737 Bigger Drive Dayton, OH 45440	Rinaman Run and Pine Creek CWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Glenfield Borough	PAG2000210008	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Ohio River WWF	Allegheny County Conservation District Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Fayette County Georges Township	PAG2002610001	Michael Krajovic Fayette Industrial Fund P. O. Box 2101 2 West Main Street Uniontown, PA 15401	Georges Creek WWF	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
Jefferson County Reynoldsville Borough	PAG02003310001	Sintergy, Inc. 500 Chestnut Street Punxsutawney, PA 15767 and Allison & Associates 611 Division Street DuBois, PA 15801	Sandy Lick Creek TSF	Jefferson County Conservation District 814-849-7463

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hazleton City Luzerne County	PAR112221	Weir Hazleton, Inc. 225 North Cedar Street Hazleton, PA 18201	Black Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Nesquehoning Borough Carbon County	PAR802211	Kovatch Mobile Equipment Corp. One Industrial Complex Nesquehoning, PA 18240	Nesquehoning Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511

*Facility Location:
Municipality &
County*Sandy Township
Clearfield County

Permit No.

PAR224847

*Applicant Name &
Address*Stella-Jones Corporation
392 Larkeytown Road
Dubois, PA 15801-8848*Receiving
Water / Use*Slab Run
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:
County &
Municipality*Independence
Township
Beaver County

Permit No.

PAG046408

*Applicant Name &
Address*Louis D. August
205 Plunkett Road
Aliquippa, PA 15001*Receiving
Water / Use*

UNT of the Ohio River

*Contact Office &
Phone No.*Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Jackson Township
Butler County

Permit No.

PAG049560

*Applicant Name &
Address*
Carol and Dennis Spirk
22237 Perry Highway
Zelienople, PA
16063-2819*Receiving
Water / Use*
Unnamed Tributary
of Glade Run
20-C*Contact Office &
Phone No.*
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942*General Permit Type—PAG-5**Facility Location:
County &
Municipality*Springfield
Township
Fayette County

Permit No.

PAG056239

*Applicant Name &
Address*Speedy Meedy's, Inc.
111 Woodvale Street
Dunbar, PA 15431*Receiving
Water / Use*

UNT of Indian 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-10**Facility Location:
County &
Municipality*Richhill Township
Greene County

Permit No.

PAG106121

*Applicant Name &
Address*Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA
02451-1493*Receiving
Water / Use*

UNT to Barney's Run

*Contact Office &
Phone No.*Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Richhill Township
Greene County

Permit No.

PAG106124

*Applicant Name &
Address*
Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA
02451-1493*Receiving
Water / Use*
North Fork
Dunkard Fork*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000North Union
Township
Fayette County

Permit No.

PAG106125

*Applicant Name &
Address*
Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA
02451-1493*Receiving
Water / Use*
UNT of Redstone Creek*Contact Office &
Phone No.*
Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Murmac Farms Tom Craig 2336 Zion Road Bellefonte, PA 16823	Centre	1,264	2,402	Dairy	NA	Approved (03-10-10)

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0609507 , Public Water Supply.	
Applicant	Blue Mountain Water Cooperative
Municipality	Tilden Township
County	Berks
Responsible Official	David J. Gettle, President P. O. Box 373 Myerstown, PA 17067
Type of Facility	Addition of corrosion control and upgrade of booster pumps.

Consulting Engineer David J. Gettle
Kohl Bros., Inc.
P. O. Box 350
Myerstown, PA 17067

Permit to Construct 3/12/2010
Issued:

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

Permit No. Minor Amendment (1484502)—Construction, Public Water Supply.

Applicant **Walker Township Water Authority**
Township or Borough Walker Township
County **Centre**
Responsible Official Karen Moore, Vice President
Walker Township Water Authority
P. O. Box 160
Mingoville, PA 16856
Type of Facility Public Water Supply—Construction
Consulting Engineer David A. McCullough, P. E.
Uni-Tec Consulting Engineers, Inc.
2007 Cato Avenue
State College, PA 16801
Permit Issued Date March 11, 2010
Description of Action Relocation of the chlorination facility for Hecla Well.

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

Permit No. 2609502, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Road
New Stanton, PA 15672
Borough or Township Borough of Youngwood and Hempfield Township
County **Westmoreland**
Type of Facility Transmission line
Consulting Engineer GAI Consultants
385 East Waterfront Drive
Homestead, PA 15120
Permit to Construct March 8, 2010
Issued

Permit No. 3009503, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
P. O. Box 187
1442 Jefferson Road
Jefferson, PA 15344
Borough or Township Cumberland Township
County **Greene**
Type of Facility Chloramination at the Tin Can Hollow WTP

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Permit to Construct March 13, 2010
Issued

Permit No. 2609509MA, Minor Amendment, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Road
New Stanton, PA 15672
Borough or Township Mount Pleasant Township
County **Westmoreland**
Type of Facility Transmission line

Consulting Engineer
Permit to Construct March 8, 2010
Issued

Permit No. 3208502MA, Minor Amendment, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
602 Kolter Drive
Indiana, PA 15701
Borough or Township Cherry Tree Borough
County **Indiana**
Type of Facility Cherry Tree water storage tank
Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Permit to Operate March 8, 2010
Issued

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

Operations Permit issued to **Erie City Water Authority, d/b/a Erie Water Works**, PWSID No. 6250028, McKean Borough and McKean Township, **Erie County**, March 11, 2010; Permit No. 2594501-MA11, for the operation of Section 3, Phase 2 of the McKean Township/Borough Water Main Extension Project, ~18,000 LF of 12 inch and ~8,000 LF of 8 inch DIP to serve McKean Township and Borough. This operations permit is issued in response to operation inspections conducted by Department of Environmental Protection personnel on October 21, 2009, February 3, 2010, and March 10, 2010.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of

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

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

The Department has received the following plans and reports:

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

Knights Road Shopping Center, City of Philadelphia, **Philadelphia County**. Steve Miller, Island Environmental, Inc., 4235 Old National Pike, Suite 4, Middletown, MD 21769, Philip Schanzer, Marx Realty and Improvement Company, 708 Third Avenue, Fifteenth Floor, New York, NY 10017 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

QVC, 1200 Wilson Drive, West Goshen Township, **Chester County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Matthew Selgrath, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Michael Young, MY Aviation, P. O. Box 27219, Philadelphia, PA 19118 on behalf of Kelly Redington, QVC Realty, Inc., Studio Park, MC 121, West Chester, PA 19380 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with jet fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

213 Welsh Pool Road, Uwchlan Township, **Chester County**. George Petroka, IES Engineers, 1720 Walton Road, Blue Bell, PA 19422 on behalf of Tom Apple, Morphotek, Inc., 210 Welsh Pool Road, Exton, PA 19341, Phil Sass, Morphotek, Inc., 210 Welsh Pool Road, Exton, PA 19341 has submitted a Final Report concerning

remediation of site groundwater and soil contaminated with No. 6 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

NE Corner 10th & Green Street, City of Philadelphia, **Philadelphia County**. David VanKeuren, Earth Engineering, Inc., 115 West Germantown Pike, Suite 200, East Norriton, PA 19401 behalf of William McGroarty, New Urban Ventrues, LLC, 70 Limekiln Pike, Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with lead. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Rite Aid 2451, City of Philadelphia, **Philadelphia County**. Kenneth Yoder, BL 213 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf of Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with used motor oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Penn Fishing Reel MFG, Co., City of Philadelphia, **Philadelphia County**. Andrew Bonas, Environ International Corporation, 214 Carnegie Center, Princeton, NJ 08540, David Shanks, Penn Fishing Reel Manufacturing Company, 3028 West Hunting Park Avenue, Philadelphia, PA 19132 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Specialty Produce & Service Inc., Bedminster Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Fred Prozzillo, Specialty Products & Services, Inc., 6626 Easton Road, Pipersville, PA 18947 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Ward Residence, East Goshen Township Chester, **Chester County**. Michael Sarcinello, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Thomas Ward, 1468 Morstein Road, West Chester, PA 19380 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Wawa Property, East Brandywine Township, **Chester County**. Matt Brainard, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matt Winters, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

PolySat, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Chester Road, King of Prussia, PA 19406 on behalf of Darryl Manuel, PolySat, Inc., 7240 State Road, Philadelphia, PA 19135 has submitted a Final Report concerning remediation of site groundwater contaminated with organic and semi-volatile organics. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Mench Residence, Concord Township, **Delaware County**. Dan Ruch, Underwood Engineering, 143 Harding Avenue, Bellmawr, NJ 18031 on behalf of Robert

Mench, 1120 Clayton Greenspring Road, Smyra, DE 19977 has submitted a Final Report concerning remediation of site groundwater contaminated with unleaded. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Leeward Construction Route 611 Site, Route 611 and Wiscasset Road, Pocono Township, **Monroe County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 have submitted a Final Report (on behalf of their client, Department of Transportation, Maintenance District 5-4, R. R. 7, Box 7460, Stroudsburg, PA 18360), concerning the remediation of groundwater found to have been impacted by diesel fuel as a result of a release from a diesel powered portable water pump due to a broken return line and from a non-regulated, off-road diesel skid tank due to a small hole. The Report was submitted to document attainment of the Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on March 2, 2010.

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

INDSPEC Chemical, Fairview Township and Borough of Petrolia, **Butler County**. Langan Engineering and Environmental Services, Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Beazer East, Inc., 1 Oxford Center, Suite 3000, Pittsburgh, PA 15219-6401 and INDPSEC Chemical Corporation/Company, c/o Glenn Spring Holdings, Inc., 2480 Fortune Drive, Suite 300, Lexington, KY 40509-4125 has submitted a Remedial Investigation Report concerning remediation of site soil and site groundwater contaminated with organic and inorganic compounds including, but not limited to: resorcinol, THD, formaldehyde, benzene, p-PSA, m-PSA, MBDSA, BSA, phenol, sulfate, and sulfite. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard

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

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

The Department has received the following plans and reports:

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

Knights Road Shopping Center, City of Philadelphia, **Philadelphia County**. Steve Miller, Island Environmental, Inc., 4235 Old National Pike, Suite 4, Middletown, MD 21679 on behalf of Philip Schanzer, Marx Realty and Improvement Company, 708 Third Avenue, Fifteenth Floor, New York, NY 10017 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvent. The Final Report was withdrawn by the Department of Environmental Protection on March 10, 2010.

Rite Aid 3637, City of Philadelphia **Philadelphia County**. Bradley Wolf, BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101 on behalf of Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with other organic and metals. The Final Report was disapproved by the Department of Environmental Protection on February 25, 2010.

Former Eastern Prestressed Concrete Site, Hatfield Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, Ryan Conner, PREI Hatfield Associates, LP, 1001 East Hector Road, Conshohocken, PA 19428 on behalf of Kevin Traynor, O'Neill Hatfield Associates, LC, 1001 Hector Street, Suite 100, Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline, diesel fuel, and No. 2 fuel oil. The

Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 19, 2010.

Nueva Esperanza, City of Philadelphia Philadelphia County. Jason Pluniski, React Environmental Professional Services Group, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19331, Suzanne Shourds, React Environmental Professional Services Group, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19331 on behalf of Arthur Haywood, 4261 Corporation, 4261 North 5th Street, Philadelphia, PA 19140 has submitted a Baseline Environmental Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Baseline Environmental Report was disapproved by the Department of Environmental Protection on February 19, 2010.

Mench Residence, Concord Township Delaware County. Dan Rush, Underwood Engineering, 143 Harding Avenue, Bellmawr, NJ 08031 on behalf of Robert Mench, 1120 Clayton Greenspring Road, Smyrna, DE 19977 has submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline and lead. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on November 20, 2009.

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

Reihman Property, 739 East Emmaus Avenue, Salisbury Township, Lehigh County. Ronald F. Herrygers, Herrygers Environmental Services, LLC, 214 Beltrees Drive, Lexington, SC 29072 submitted a Final Report (on behalf of his client, Gregory Reihman, 739 East Emmaus Avenue, Allentown, PA 18103), concerning the remediation of No. 2 fuel oil as a result of a release from a basement heating oil tank due to a loose tank cap. The Report documented attainment of the Residential Statewide Health Standard for soils and was approved on March 12, 2010.

Coacci Property, 1581 River Road, Damascus Township, Wayne County. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, Thomas Coacci, 1581 River Road, Damascus, PA 18415), concerning the remediation of soils found to have been impacted by a mixture of reclaimed vegetable oil and used motor oil as a result of an accidental release from a non-regulated, 275-gallon aboveground storage tank. The Report documented attainment of the Statewide Health Standard for soils and was approved on March 10, 2010. The Report was originally submitted within 90 days of the release.

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

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 Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on March 11, 2010.

Agway Lebanon Surplus Property, West Lebanon Township, Lebanon County. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harris-

burg, PA 17110, on behalf of CU16, LP, P.O. 333, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils and groundwater impacted by petroleum hydrocarbons, pesticides, herbicides and coal tar. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department of Environmental Protection on March 15, 2010.

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

ExxonMobile USA Indiana Terminal, White Township, Indiana County. Groundwater & Environmental Services, Inc. on behalf of ExxonMobile Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801 has submitted a Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with various grades of petroleum products.

Latrobe Foundry, Derry Township, Westmoreland County. J.P. Evers Geosciences, P.C., 4000 Hempfield Plaza Boulevard, Suite 916, Greensburg, PA 15601 on behalf of Latrobe Foundry and Machine, P.O. Box 431, Latrobe, PA 15650 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils and groundwater contaminated with lead, aluminum, iron and manganese. A combination of Statewide Health Standards for soils and Site-Specific Standards for groundwater will be used to attain liability relief.

REGISTRATION FOR GENERAL PERMITS—RESIDUAL WASTE

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

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

General Permit Registration Number WMGR097R011. Hazleton Creek Properties, LLC, 580 Third Avenue, Kingston, PA 18704. Registration to operate under General Permit Number WMGR,097 authorizes research and development (R&D) activities to support the beneficial use or processing prior to beneficial use of residual and/or municipal waste. The registration was issued by Central Office on March 12, 2010.

The R&D project involves beneficial use of construction and demolition fines and regulated fill in mine reclamation and as a construction material bounded by Routes 924/309 and Broad Street, Hazleton, PA.

The comment and response document developed based on public comments is available at the Department of Environmental Protection's (Department) web site at: http://files.dep.state.pa.us/RegionalResources/NERO/NEROPortalFiles/HCP_Comment_and_Response_Document.pdf.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service (800) 654-5984.

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

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

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

Permit No. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This permit modification includes the approval for revisions to the existing permit conditions with regard to the scale complex being located, operated and maintained as part of the Tullytown Resource Recovery Facility (TRRF) Landfill permit instead of being covered under the GROWS Landfill permit, the TRRF Landfill is a municipal waste landfill located in Falls Township and the Borough of Tullytown, **Bucks County**. The permit was issued by the Southeast Regional Office on February 10, 2010.

Permit No. 101680. Waste Management Disposal Service of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This permit modification application for revisions to the existing permit conditions of GROWS North Landfill, a municipal waste landfill located in Falls Township, **Bucks County**, regarding the scale complex being located, operated and maintained as part of the Tullytown Resource Recovery Facility (TRRF) Landfill permit instead of being covered under the GROWS Landfill permit which expired February 9, 2010. The permit was issued by the Southeast Regional Office on February 10, 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.

GP9-09-0018: C & J Services, Inc. (852 Swamp Road, Penns Park, PA 18943) on March 10, 2010, to operate a diesel/#2 fuel-fired internal combustion units in Wrightstown Township, **Bucks County**.

GP3-09-0090: C & J Services, Inc. (852 Swamp Road, Penns Park, PA 18943) on March 10, 2010, to operate a portable nonmetallic mineral processing plant in Wrightstown Township, **Bucks County**.

GP9-46-0041: Gill Quarries, Inc. (1020 Broad Run Road, Landenberg, PA 19350) on March 11, 2010, to operate a diesel fuel-fired internal combustion (IC)(5) engines in East Norriton Township, **Montgomery County**.

GP3-46-0086: Gill Quarries, Inc. (1020 Broad Run Road, Landenberg, PA 19350) on March 11, 2010, to operate a portable nonmetallic mineral processing plant in East Norriton Township, **Montgomery County**.

GP3-46-0085: Gill Quarries, Inc. (1020 Broad Run Road, Landenberg, PA 19350) on March 11, 2010, to

operate a portable nonmetallic mineral processing plant in East Norriton Township, **Montgomery County**.

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

GP14-56-00309: Miller Funeral Home (118 Vannear Street, Somerset, PA 15501) on March 9, 2010, to construct and operate one natural gas-fired crematory incinerator Crematory Manufacturing Services, Inc. Model No. Millennium III human crematory rated at 150 pounds per hour at their facility in the Borough of Somerset, **Somerset County**.

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

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

09-0212: Allied Tube and Conduit Corp. (600 Dean Sievers Place, Morrisville, PA 19067) on March 10, 2010, for construction of a new steel tube manufacturing plant in Morrisville Borough, **Bucks County**. The manufacturing processes consist of mechanically forming and welding steel stock into tubes, and painting the products. This facility is a non-Title V facility. This construction will result in Particulate Matter, Volatile Organic Compounds and Ammonia Compounds being emitted into the atmosphere. The Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

23-0014G: Kimberly-Clark of Pennsylvania, LLC (Front Street and Avenue of the States, Chester, PA 19013) on March 10, 2010, for replacement of two (2) baghouses on the existing ST-1 Converting Area with two (2) air handling units that each have a venturi scrubber in the City of Chester, **Delaware County**. The proposed source has the potential to emit 0.46 ton per year particulate matter after controls.

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

40-328-007: Hazleton Generation, LLC (150 North Michigan Avenue, Suite 2930, Chicago, IL 60601-7568) on March 9, 2010, for the changes to their start-up and shut-down conditions at the facility in Hazle Township, **Luzerne County**.

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

14-00005B: Department of Corrections (Box A, Bellefonte, PA 16823) on March 5, 2010, to install a fabric collector to control the air contaminant emissions from the three (3) existing coal-fired boilers (Source IDs 031, 032 and 033) at their Rockview State Correctional Institution in Benner Township, **Centre County**. The respective facility is a major facility for which a Title V operating permit 14-00005 has been issued.

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.

GP14-56-00309: Miller Funeral Home (118 Vannear Street, Somerset, PA 15501) on March 9, 2010, for construction and operation of one natural gas fired Crematory Manufacturing Services, Inc. Model No. Millennium III human crematory rated at 150 pounds per hour at their facility in the Borough of Somerset, **Somerset County**.

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

62-183A: PAPCO, Inc.—Warren Station (Route 6, Warren, PA 16365) on March 11, 2010, for operation of a gas stripping plant consisting of a two (2) gas compressor engine, dehydration plant, condenser and storage tanks at their facility in the Township of Mead, **Warren County**.

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

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

09-0007C: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on March 8, 2010, to operate 2 (two) back-up flares in Falls Township, **Bucks County**.

23-0111B: Centocor Research & Development, Inc. (145 King of Prussia Road, Radnor, PA 19087) on March 15, 2010, to operate a diesel/#2 fuel-fired internal in Radnor Township, **Delaware County**.

09-0010C: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) on March 15, 2010, to operate a Glatt120 fluid bed processor in West Rockhill Township, **Bucks County**.

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, Chief, West Permitting Section—Telephone: 814-949-7935.

06-05069N: East Penn Manufacturing Co., Inc. (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) on February 28, 2010, for the construction and modification of various sources and the installation of new control equipment in Richmond Township, **Berks 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.

53-399-008: PA Pellets, LLC (705 South Main Street, Coudersport, PA 16915) on March 10, 2010, to extend the authorization to operate a wood-fired rotary wood chip dryer and associated air cleaning device (a multiclone collector), two (2) pellet mills, a hammermill and associated air cleaning device (a fabric collector), a pellet cooler and associated air cleaning device (a cyclone collector), two dried wood chip storage bins and one wood pellet storage bin on a temporary basis to September 6, 2010, in Ulysses Borough, **Potter County**. The plan approval has been extended.

08-00003C: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on March 4, 2010, to extend the authorization to operate wood-fired boiler #3 and dry fuel handling equipment identified in the respective plan approval on a temporary basis until September 15, 2010, at the facility in Wysox Township, **Bradford County**.

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

24-083P: Carbone of America, Graphite Materials Division (215 Stackpole Street, St. Marys, PA 15857) on March 31, 2010, for modification of plan approval 24-083N to include three (3) additional mixers at their facility in Benzinger Township, **Elk County**.

Title V Operating Permits Issued 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, Chief, West Permitting Section—Telephone: 814-949-7935.

67-05030: CP Converters, Inc. (15 Grumbacher Road, York, PA 17406-8417) on March 9, 2010, for their flexible package printing plant in Manchester Township, **York County**. This is a renewal of the Title V operating permit.

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

16-00128: County Environmental Services, Inc.—County Landfill, Inc. (P. O. Box 237, Leeper, PA 16233-0237) on March 9, 2010, to re-issue their Title V Permit to operate the landfill gas collection and control system at this now closed municipal waste landfill in Farmington Borough, **Clarion County**. This is a major facility due to its potential to emit VOC emissions from the landfill gas.

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

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

23-00056: Honeywell International, Inc. (6100 Philadelphia Pike, Claymont, DE 19703) on March 11, 2010, for renewal of a Non-Title V Facility, State-only, Natural Minor Permit in Marcus Hook Borough, **Delaware County**. Honeywell is a manufacturing company of industrial inorganic chemicals. Honeywell has a production limit of Fluorosulfonic acid. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00209: Univar USA, Inc. (4 Steel Road, Morrisville, PA 19067) on March 15, 2010, for a Non-Title V Facility, State-only, Natural Minor Permit in Falls Township, **Bucks County**. Univar USA, Inc. is a chemical and allied products merchant wholesaler. The sources of emissions include: storage tanks and transfer stations. The facility has a combined VOC and HAP emission limit of 20 tons per year calculated on a 12-month rolling sum.

Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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, Chief, West Permitting Section—Telephone: 814-949-7935.

38-03001: Lebanon Chemical Corp., d/b/a Lebanon Seaboard Corp. (1600 East Cumberland Street, Lebanon, PA 17042-8323) on March 9, 2010, for their production facility for lawn fertilizer in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

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

23-00003: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on March 12, 2010, an administrative amendment to the Title V Operating Permit for the refinery in Trainer Borough, **Delaware County**, was issued incorporating the requirements of Plan Approval No. 23-0003J, 23-0003K and 23-0003N. Minor modifications and some changes to the conditions to settle an appeal were also carried out at the same time.

46-00038: Exelon Generation Co., LLC—Limerick Generation Station (3146 Sanatoga Road, Pottstown, PA 19464) on March 12, 2010, is a Title V facility in the Limerick Township, **Montgomery County**. The Title V Operating Permit was revised to correct typographical errors that presented inconsistencies between the initial issuance of the Title V Permit and the Title V Permit Renewal for the sources listed under Source ID No. 002A. The changes made to the permit do not increase emissions from the source or the facility. All revisions to the Title V Operating Permit were made pursuant to 25 Pa. Code § 127.450, and comments will only be taken on the changes covered in this notice.

15-00027: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on March 15, 2010, for a minor modification of TVOP No. 15-00027 for its facility located in Tredyffrin Township, **Chester County**. The minor modification changes the operating pH range of the ammonia scrubber control device (Source C012C) to better prevent deviations without impacting ammonia removal. The modified TVOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 15-00027 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

49-00009: Mohawk Flush Doors (980 Point Township Drive, US Route 11, Northumberland, PA 17857) on March 8, 2010, to issue a minor modification of the Title V Operating Permit for their facility in Point Township,

Northumberland County. This operating permit modification increases the amount of coating that may be used in Source P112 from 5,000 gallons to 8,733 gallons in any 12 consecutive month period and establishes a volatile hazardous air pollutant limitation for Source P112 of 0.30 tons in any 12 consecutive month period.

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.

11051301 and NPDES Permit # PA0235652, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to renew the permit for the Cresson Mine in Cresson Township, **Cambria County** and related NPDES permit. No additional discharges. Application received: March 25, 2009. Permit issued: March 12, 2010.

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

56080108. NPDES No. PA0262692 and General Permit GP-12-56080108, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Brothersvalley Township, **Somerset County**, affecting 83.3 acres. Receiving stream(s): unnamed tributary to Blue Lick and Swamp Creeks classified for the following uses(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2010. Permit issued: March 4, 2010.

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

16990105 and NPDES Permit No. PA0241661. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous strip operation in Clarion Township, **Clarion County** affecting 132.3 acres. Receiving streams: Unnamed tributaries to Little Mill Creek. This renewal is issued for reclamation only. Application received: January 19, 2010. Permit Issued: March 9, 2010.

16090102 and NPDES Permit No. PA0258776. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Commencement, operation and restoration of a bituminous strip operation in Porter

Township, **Clarion County** affecting 40.5 acres. Receiving streams: Unnamed tributary to Leisure Run. Application received: August 12, 2009. Permit Issued: March 11, 2010.

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

17814033 and NPDES No. PA0609051. Philip Reese Coal Co. (P. O. Box 67, Karthaus, PA 16845). Renewal of an existing bituminous surface operation in Karthaus Township, **Clearfield County** affecting 412.8 acres. Receiving streams: two unnamed tributaries to an unnamed tributary of Salt Lick Run and Salt Lick Run's unnamed tributary of Salt Lick Run to Salt Lick Run; Salt Lick Run to the West Branch of the Susquehanna River to the Susquehanna River classified for the following uses: High Quality-Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 21, 2009. Permit issued: March 4, 2010.

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

54830209R5 and NPDES Permit No. PA0613631. South Tamaqua Coal Pockets, Inc. (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing operation and preparation plant in West Penn Township, Schuylkill County affecting 37.0 acres, receiving stream: Little **Schuylkill River**. Application received: July 15, 2009. Renewal issued: March 9, 2010.

Noncoal Applications Returned

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

08090804. Jeffrey S. Leighton (R. R. 1, Box 200, Rome, PA 18837) Commencement, operation and restoration of small noncoal (bluestone) permit located in Herrick Township, **Bradford County**, affecting 1.0 acre. Receiving stream(s): Cold Creek, Wyalusing Creek. Application received: June 16, 2009. Application returned: March 12, 2010.

Noncoal Permits Actions

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

32082801. Ridge Limestone, Inc., 1094 Lantz Road, Avonmore, PA 15618, bond release on a small noncoal (industrial minerals) operation in Young Township, **Indiana County**, affecting 2 acres. Receiving stream(s): no discharge. Application received: September 1, 2009. Bond Release Approved: March 2, 2010.

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

37940302. Three Rivers Aggregates (P. O. Box 6090, Falmouth, VA 22403) Renewal of NPDES Permit No. PA0212041 in Scott and Plain Grove Townships, **Lawrence County** affecting 137.5 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: January 20, 2010. Permit Issued: March 9, 2010.

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

08090802. John Norton (R. R. 1, Box 155B, New Albany, PA 18833), commencement, operation and restoration of a small noncoal (bluestone) operation in Tuscarora Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Unnamed Tributary to Fargo Creek. Application received: April 15, 2009. Permit issued: March 4, 2010.

ing stream(s): Unnamed Tributary to Fargo Creek. Application received: April 15, 2009. Permit issued: March 4, 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

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

42104004. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744) Blasting activity permit for seismic exploration in Norwich and Shippen Townships, **McKean and Cameron Counties**. This blasting activity permit expires: July 30, 2010. Application received: February 16, 2010. Permit Issued: March 9, 2010.

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

36104108. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Kolbacre Ridge in East Lampeter Township, **Lancaster County** with an expiration date of March 4, 2011. Permit issued: March 8, 2010.

36104109. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for Country Manor in Manor Township, **Lancaster County** with an expiration date of March 5, 2011. Permit issued: March 8, 2010.

36104110. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Mt. Joy Country Homes in Mt. Joy Borough, **Lancaster County** with an expiration date of March 8, 2011. Permit issued: March 9, 2010.

45104103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Timber Hills in Price and Paradise Townships, **Monroe County** with an expiration date of March 31, 2011. Permit issued: March 9, 2010.

45104104. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Blue Mountain Lake in Stroud Township, **Monroe County** with an expiration date of March 31, 2011. Permit issued: March 9, 2010.

45104105. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Alpine Lake in Pocono Township, **Monroe County** with an expiration date of March 31, 2011. Permit issued: March 9, 2010.

45104106. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Lake in the Clouds in Barrett Township, **Monroe County** and Greene Township, Pike County with an expiration date of March 31, 2011. Permit issued: March 9, 2010.

45104107. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Leisure Lands in Middle Smithfield Township, **Monroe County** with an expiration date of March 31, 2011. Permit issued: March 9, 2010.

52104103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wild Acres in Delaware Township, **Pike County** with an expiration date of March 31, 2011. Permit issued: March 9, 2010.

22104104. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for a single dwelling at 4944 Berkley Street in Lower Paxton Township, **Dauphin County** with an expiration date of March 4, 2011. Permit issued: March 11, 2010.

35104103. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting at Laurel Ridge in Jefferson Township, **Lackawanna County** with an expiration date of March 10, 2011. Permit issued: March 11, 2010.

36104111. Warren's Excavating & Drilling, Inc., (PO Box 214, Myerstown, PA 17067), construction blasting for Landis Valley in Manheim Township, **Lancaster County** with an expiration date of March 10, 2011. Permit issued: March 11, 2010.

40104104. Austin Powder Northeast, LLC, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Center Point West in Pittston Township, **Luzerne County** with an expiration date of March 4, 2011. Permit issued: March 11, 2010.

52104104. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Koberlein Septic tank in Palmyra Township, **Pike County** with an expiration date of March 5, 2011. Permit issued: March 12, 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

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

E09-941. Solebury Township, 3092 Sugas Road, P. O. Box 139, Solebury, PA 18963-0139, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To: restore and stabilize approximately a one-mile segment of the Middle Branch of the Paunacussing Creek (HQ, CWF) utilizing natural stream channel design (Rosgen Method) and bioengineering techniques. This work will include cross vanes, construction of bank full benches, bank rehabilitation, live fascines and gravel bar removal.

This site is extended from Street Road to Aquatong Road, near the Village of Carversville, starting at Buckingham, PA USGS Quadrangle N: 19.5 inches; W: 8.5 inches, and ending in Lumberville, PA USGS Quadrangle N: 2 inches; W: 4 inches.

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

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

E45-546. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101-1013. Smithfield and Middle Smithfield Townships, **Monroe County**, Army Corps of Engineers Philadelphia District.

To: construct and maintain the water obstructions and encroachments as described in the following list in and along Marshalls Creek (HQ-CWF, MF) and tributaries thereof, Pond Creek (HQ-CWF, MF) and tributaries thereof, permanently impacting 0.4 acre of EV wetlands and 960 feet of stream, and temporarily impacting 0.2 acre of EV wetlands and 370 feet of stream. The permittee is required to provide 3.19 acres of replacement wetlands (for all phases of the project). This work is associated with Phase III of the Marshalls Creek Traffic

Relief Project (SR 0209, Section 007) which includes the proposed construction of a new two-lane roadway and improvements to existing roadway facilities which begins just north of the intersection of SR 0209 and Twin Falls Road (East Stroudsburg, PA Quadrangle Latitude: 41° 01' 50" N; Longitude: -75° 07' 31" W) in Smithfield Township, Monroe County, continuing northeast to the

intersection with U.S. 0209 (Business) and Mt. Nebo Road (Bushkill, PA-NJ Quadrangle 41° 03' 00" N; -75° 06' 34" W) in Middle Smithfield Township, Monroe County. The project will result in also includes roadway improvements and maintenance work at the intersections of SR 1019 and SR 0209 and at Mt. Nebo Road (T-528) near its intersection with U.S. 0209 (Business).

<i>Impact No.</i>	<i>Roadway Station</i>	<i>Description of Impact</i>	<i>Latitude Longitude</i>
14	51+446 US 209	Construct and maintain a 24-inch RCP outfall structure with rock apron in the floodway of Marshalls Creek	41° 02' 05" -75° 07' 24"
16	21+300 SR 1019	Modify and maintain the existing structure with work consisting of the construction of a single-span, prestressed concrete adjacent box beam superstructure over Marshalls Creek for SR 1019	41° 02' 05" -75° 07' 27"
17	51+762 US 209	Construct and maintain a 12-inch plastic pipe outfall structure with rock apron	41° 02' 13" -75° 07' 15"
17A	51+804 US 209	Construct and maintain a rock lined stormwater emergency spillway and berm within the floodway and floodplain of Marshalls Creek	41° 02' 14" -75° 07' 15"
18	51+944 US 209	Construct and maintain a 72-inch RCP culvert depressed 1 foot below streambed elevation to carry an unnamed tributary to Marshalls Creek	41° 02' 16" -75° 07' 10"
19	51+803 US 209	Place fill within the floodplain of Marshalls Creek for the construction of US 209	41° 02' 18" -75° 07' 10"
20	52+023 US 209	Place fill in a deminimus area of EV wetland permanently impacting 0.02 acre and temporarily impacting 0.03 acre for the construction of US 209	41° 02' 19" -75° 07' 07"
21	52+038 US 209	Construct and maintain a 24-inch RCP outfall and rock apron within the floodplain of Marshalls Creek	41° 02' 21" -75° 07' 08"
21B	52+118 US 209	Place fill in a deminimus area of EV wetland permanently impacting 0.36 acre and temporarily impacting 0.08 acre for the construction of US 209	41° 02' 21" -75° 07' 08"
21C	52+155 US 209	Construct and maintain a rock lined stormwater emergency spillway and berm within the floodway and floodplain of Marshalls Creek	41° 02' 23" -75° 07' 09 "
22	52+334 US 209	Construct and maintain a 12-foot wide by 9-foot high reinforced concrete box culvert stream enclosure (C-1) depressed 1.9 feet below streambed elevation	41° 02' 29" -75° 07' 08"
24	52+667 US 209	Construct and maintain a prestressed concrete PA Bulb Tee beam bridge having a 64.7-foot normal clear span, a 12.8-foot maximum underclearance, and a width of 51 feet over a tributary to Marshalls Creek	41° 02' 39" -75° 07' 11"
32	34+750 SR 1019	Maintain and rehabilitate the existing US 209 bridge structure over Marshalls Creek	41° 02' 31" -75° 07' 43"
33B	22+117 SR 1019	Construct and maintain a 30-inch RCP outfall structure and rock apron within the floodway of Marshalls Creek	41° 02' 29" -75° 07' 42"
37	53+151 US 209	Construct and maintain 2, 24-inch RCP outfall structures with rock aprons in Pond Creek	41° 02' 50" -75° 06' 59"
43A	53+740 US 209	Relocate, restore and maintain 363 linear feet of a tributary to Pond Creek	41° 02' 58" -75° 06' 36"
43B	5+978 MtNeboRd	Removal of existing structure and construct and maintain a 36-inch RCP culvert depressed 6 inches within a tributary to Pond Creek for Mt. Nebo Road (T-528)	41° 02' 59" -75° 06' 34"
43C	US 209 53+740	Construct and maintain an 18-inch RCP outfall structure and rock apron within the floodway of a tributary to Pond Creek	41° 02' 58" -75° 06' 36"

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

E36-861: Millcreek Preservation Association, John Smucker, Farm and Home Center, 1383 Arcadia Road, Room 200, Lancaster, PA 17601-3149, Millcreek Stream Restoration, Leacock and Upper Leacock Townships, **Lancaster County**, ACOE Baltimore District.

To: restore and stabilize 6,200.0 feet of Mill Creek (WWF) including regrading the stream banks and creating a low flow channel and floodplain bench area, and the construction and maintenance of 2,800.0 feet of fencing in the floodway, 4 rock cross vanes, 1,000 feet of mud sills, 10 log vanes, and 50.0 feet of brush deflectors in-stream, for the purpose of stream restoration at a point just northwest of the intersection of Monterey and Church Roads (Leola, PA Quadrangle 9.5 inches N; 6.75 inches W, Latitude: 40° 3' 5.94" N; Longitude: 76° 10' 29.35") in Leacock and Upper Leacock Townships, Lancaster County.

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

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

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

E17-461. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0219, Section 251 Intersection Improvements and Bridge Replacement Activities on SR 0830 in Sandy Township, **Clearfield County**, ACOE Baltimore District (Falls Creek, PA Quadrangle Latitude: 41° 08' 41"; Longitude: 78° 47' 48").

The applicant proposes to perform pavement reconstruction and the construction of a left turning lane on SR 0830 as well as the associated bridge improvements. The project will include a superstructure replacement and substructure widening over Wolf Run and a complete structure replacement over Slab Run on SR 0830. The bridges will be replaced on the existing horizontal and vertical alignment. The roadway widening will result in sliver wetland impacts which will result in a total wetland impact of 0.58 acre. The wetland mitigation will require 0.77 acre replacement. The wetland mitigation will be debited from a nearby wetland bank. Wolf Run and Slab Run are classified as Cold Water Fisheries. This permit also includes 401 Water Quality Certification.

E19-278. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0080 Section 078 Bridge Structure Replacement and Rehabilitation over the Susquehanna River, Mifflin and South Centre Townships, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 41° 01' 42"; W: 76° 19' 34").

Department of Transportation, Engineering District 3-0 proposes to rehabilitate the existing SR 0080 eastbound and replace the SR 0080 westbound bridge structures located over the Susquehanna River in Mifflin and South Centre Townships, Columbia County. Both the existing structures are 19 span reinforced concrete bridges. The eastbound superstructure will be replaced and the existing piers will be modified to accommodate the new superstructure. The westbound structure will be completely replaced. The proposed westbound structure will be a 17 span pre-stressed concrete T-beam Bridge. The proposed westbound bridge will be located between the existing east and westbound bridge structures. The project will utilize a four stage half width causeway in the Susquehanna River. The total project includes additional work over SR 339 and SR 11, which will not have an effect on any water resources. The Susquehanna River is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards. The westbound bridge replacement will result in approximately 1,062 ft² of impact to the Susquehanna River and no wetland impacts. This permit also includes 401 Water Quality Certification.

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

E02-1610. Jefferson Hills Borough, 925 Old Clairton Road, Jefferson Hills, PA 15025.

To: construct a stream restoration project in Jefferson Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 6.0 inches; W: 8.7 inches, Latitude: 40° 16' 59"; Longitude: 79° 56' 15"). To: construct and maintain a stream restoration project in and along the channel of Peters Creek (TSF) for a distance of approximately 500.0 linear feet and will consist of a cross rock vane, a dry stacked retaining wall, J-hook vanes, a thalweg, fill and a rock vane. The project is located on the east side of Peters Creek Road, approximately 800.00 feet southwest from the confluence of Peters Creek and Beam Run and will impact approximately 500.0 linear feet of stream channel.

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

E20-577, Conneaut Lake Borough, P. O. Box 198, Conneaut Lake, PA 16316, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 41° 36' 14.5"; W: 80° 18' 4.3").

To: relocate, approximately 2 ft to the west of its current location, and maintain an existing pile supported boat dock measuring 6 ft by 120 ft. The applicant also proposes to install and maintain approximately 40 ft of shoreline stabilization consisting of pre-cast concrete median barriers on the south shore of Conneaut Lake approximately 230 ft north of the intersection of PA-18 and First Street.

E27-084, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110, McDonald Run Bridge (SGL 24), Green Township, **Forest County**, ACOE Pittsburgh District (West Creek, PA Quadrangle N: 41° 26' 7"; W: -70° 13' 45").

To: construct and maintain a 14' wide, 30' span steel and timber bridge stream crossing on McDonald Run that consists of concrete abutments, six steel I-beams and a timber deck. McDonald run is a perennial stream classified as Cold Water fishery (CWF).

ENVIRONMENTAL ASSESSMENTS

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

EA56-006. Laurel Falls Association, 382 Laurel Falls Road, Meyersdale, PA 15552. The project is located approximately 2.5 miles northeast of Summit Mills in Summit and Ellick Townships, **Somerset County**, Pittsburgh ACOE District.

To: place limestone sand piles in five locations along and within the channels of Ellick Creek (CWF) and one location along and within the channel Cranberry Run (Tributary to Ellick Creek, CWF) for the purpose of abating acid conditions within the stream. At three of the locations along Ellick Creek (Meyersdale, PA Quadrangle A. North: 11.9"; West 17.3"; Latitude: 39° 48' 57.8"; Longitude: 79° 7' 17.5"; B. North: 11.5"; West 16.6"; Latitude: 39° 48' 46.2"; Longitude: 79° 6' 59.3"; and C. North: 11.6"; West: 16.7"; Latitude: 39° 48' 49.2"; Longitude: 79° 7' 5.6"), the limestone sand is to be placed along 15 LF of the left descending bank, and will project 4 ft into the channel. At a fourth site along Ellick Creek (Markleton, PA Quadrangle North: 11.5"; West: 0.2"; Latitude: 39° 48' 49.7"; Longitude: -79° 7' 33.4"), the limestone sand is to be placed along 20 lf of the left descending bank, and will project 4 ft into the channel. At a fifth location along Ellick Creek (Markleton, PA Quadrangle North: 9.1"; West: 3.1"; Latitude: 39° 48' 1.7"; Longitude: -79° 9' 4.4") and at a location along Cranberry Run (Meyersdale, PA Quadrangle North: 15.7"; West 15.5"; Latitude: 39° 50' 14.3"; Longitude: -79° 6' 35.2"), the limestone sand is to be placed along 15 lf of the right descending bank, and will project 4 ft into the channel. To access the fifth location along Ellick Creek, fill will be placed and maintained to upgrade three minor road crossings: Crossing 1: 6-12 inches deep of riprap, over an existing 12 lf, 12" diameter culvert (Unnamed Tributary to Ellick Creek, CWF, drainage area to this crossing is less than 100 acres); Crossing 2: 6-12 inches of riprap in 12 lf of channel (Unnamed Tributary to Ellick Creek, CWF, drainage area to this crossing is less than 100 acres); and Crossing 3: 12 inches of riprap within 75 lf of channel (Unnamed Tributary to Ellick Creek, CWF, drainage area to this crossing is less than 100 acres). The project will impact 194 lf of stream channel.

DAM SAFETY

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

D39-093A. Leaser Lake Dam, Fish and Boat Commission c/o Gerald G. Woomer, P. E., 450 Robinson Lane, Bellefonte, PA 16826.

To: modify, operate, and maintain the Leaser Lake Dam across the Jacksonville Branch of the Ontelaunee Creek (CWF), impacting 0.04 acre of wetlands (PEM) with no proposed impacts to the stream channel, for the purpose of rehabilitating the dam by constructing a new spillway, installing an internal embankment drain system, and raising the elevation of the dam (Lehigh, PA Quadrangle N: 7.8 inches; W: 11.7 inches) in Lynn Township, **Lehigh County**.

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.

2/9/10

ESCGP-1 No.: ESX10-129-0006

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Westmoreland Township(s): South Huntingdon

Receiving Stream(s) and Classifications: UNT to

Sewickley Creek, Other

2/12/10

ESCGP-1 No.: ESX10-125-0011

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)

to Cross Creek (Middle Fork) (HQ-WWF) to Cross

Creek (North Fork) (HA-WWF) to Cross Creek (WWF)

to West Virginia Border To Ohio River, HQ

2/4/10

ESCGP-1 No.: ESX10-125-0009

Applicant Name: Alex E. Paris Contracting Company, Inc.

Contact Person: Emanuel A. Paris III

Address: 1595 Smith Township State Road

City: Atlasburg State: PA Zip Code: 15004

County: Washington Township(s): Morris

Receiving Stream(s) and Classifications: Ten Mile Creek, Other

2/18/10

ESCGP-1 No.: ESX10-059-0012

Applicant Name: EQT Production Company

Contact Person: Todd Klaner

Address: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Morgan

Receiving Stream(s) and Classifications: Browns Run—

Warm Water Fishery (WWF), Other

2/18/10

ESCGP-1 No.: ESX10-129-0007
 Applicant Name: Williams Production Appalachia, LLC
 Contact Person: David Freudenrich
 Address: 1000 Town Center, Suite 130
 City: Canonsburg State: PA Zip Code: 15317
 County: Westmoreland Township(s): Derry
 Receiving Stream(s) and Classifications: Saxman and
 Union Runs, Other WWF (Warm Water Fishes)

2/9/10

ESCGP-1 No.: ESX10-059-0009
 Applicant Name: Chief Oil & Gas, LLC
 Contact Person: Michael Hirtz
 Address: 6051 Wallace Road, Ext., Suite 210
 City: Wexford State: PA Zip Code: 15090
 County: Greene Township(s): Gilmore
 Receiving Stream(s) and Classifications: Hennen Run
 and Garrison Fork, Other

2/12/10

ESCGP-1 No.: ESX10-125-0012
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: PA Zip Code: 73154
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: UNT (WWF)—
 Cross Creek (WWF)—Ohio River, Other

2/4/10

ESCGP-1 No.: ESX10-059-0007
 Applicant Name: Tanglewood Exploration, Inc.
 Contact Person: Tom Scott
 Address: 226 Elm Drive, Suite 102
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Franklin
 Receiving Stream(s) and Classifications: UNT to South
 Fork Tenmile Creek

2/16/10 REV

ESCGP-1 No.: ESX09-125-0037 revision
 Applicant Name: Antero Resources Appalachian Corp
 Contact Person: Garard Alberts
 Address: 1625 17th Street, Suite 300
 City: Denver State: CO Zip Code: 80202
 County: Washington Township(s): West Pike Run
 Receiving Stream(s) and Classifications: Little Pike Run,
 Other

2/23/10 REV

ESCGP-1 NO.: ESX09-125-0068
 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): North Fayette
 Receiving Stream(s) and Classifications: UNT to
 Chartiers Creek, Other

2/18/10

ESCGP-1 NO.: ESX10-005-0002
 Applicant Name: Exco Resources (PA), Inc.
 Contact Person: Larry Sanders
 Address: 3000 Ericsson Drive, Suite 200
 City: Warrendale State: PA Zip Code: 15086
 County: Armstrong Township(s): Rayburn
 Receiving Stream(s) and Classifications: UNT to
 Cowanshannock Creek (WWF)/Cowanshannock
 Creek Watershed (WWF), Other

ESCGP-1 NO.: ESX10-005-0003

Applicant Name: Exco Resources (PA), Inc.
 Contact Person: Larry Sanders
 Address: 3000 Ericsson Drive, Suite 200
 City: Warrendale State: PA Zip Code: 15086
 County: Armstrong Township(s): Rayburn
 Receiving Stream(s) and Classifications: UNT to
 Cowanshannock Creek (WWF), Cowanshannock
 Creek Watershed (WWF), Other

ESCGP-1 NO.: ESX10-125-0014

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: UNT to
 Chartiers Creek, UNT to Georges Run, Other

11/19/09

ESCGP-1 NO.: ESG09-059-0001
 Applicant Name: Coal Gas Recovery, LLC
 Contact Person: Joanne Reilly
 Address: 158 Portal Road, P. O. Box 1020
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Center
 Receiving Stream(s) and Classifications: Hargus Creek,
 Purseley Creek, Turkey Hollow, HQ

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

ESCGP-1 # ESX10-015-0037

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

ESCGP-1 # ESX10-015-0048

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Armenia Township
 Receiving Stream(s) and Classification(s) Webier Creek
 Secondary—Tioga River

ESCGP-1 # ESX10-015-0038

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

ESCGP-1 # ESX10-117-0032

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Rutland Township
 Receiving Stream(s) and Classification(s) Mill Creek/
 Susquehanna River Basin in PA (Tioga River)
 Secondary—Tioga River

- ESCGP-1 # ESG10-117-0002
 Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Ward Township
 Receiving Stream(s) and Classification(s) UNT to Fall
 Brook Secondary—Tioga River
- ESCGP-1 # ESX10-015-0047
 Applicant Name Fortuna Energy, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Armenia and Troy Townships
 Receiving Stream(s) and Classification(s) UNT to
 South Branch Sugar Creek, Fall Brook
 Secondary—Sugar Creek
- ESCGP-1 # ESX10-117-0045
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Shippen Township
 Receiving Stream(s) and Classification(s) Marsh Creek/
 Susquehanna River Basin in PA (West Branch)
 Secondary—Pine Creek to West Branch Susquehanna
 River
- ESCGP-1 # ESX10-117-0041
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Union Township
 Receiving Stream(s) and Classification(s) UNT (non-
 designated)/West Branch Susquehanna River Basin
 Secondary—French Lick Run (non-designated)
- ESCGP-1 # ESX10-015-0050
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Tuscarora Township
 Receiving Stream(s) and Classification(s) UNT to Fargo
 Creek
 Secondary—Tuscarora Creek
- ESCGP-1 # ESX10-015-0051
 Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Troy Township
 Receiving Stream(s) and Classification(s) West Branch
 Sugar Creek
- ESCGP-1 # ESX10-015-0052
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
- Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) UNT to South
 Branch Towanda Creek
 Secondary—South Branch Towanda Creek
- ESCGP-1 # ESX10-117-0044
 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 East
 Branch Stony Fork/Susquehanna River Basin
 (West Branch)
 Secondary—Stony Fork, Babb Creek, Pine Creek to
 West Branch Susquehanna
- ESCGP-1 # ESX10-081-0008
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) UNT to Black's
 Creek to Blockhouse Creek/West Branch Susquehanna
 River
 Secondary—Little Pine Creek, Pine Creek to West
 Branch Susquehanna River
- ESCGP-1 # ESX10-117-0046
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan and Rutland Townships
 Receiving Stream(s) and Classification(s) Corey Creek,
 UNTs to Corey Creek, Elk Run
- ESCGP-1 # ESX10-015-0053
 Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia and Troy Townships
 Receiving Stream(s) and Classification(s) Fall Brook and
 Sugar Creek
 Secondary—Susquehanna River
- ESCGP-1 # ESX09-033-0003(01)
 Applicant Name EQT Production Company
 Contact Person Shari Hodges
 Address 445 Racetrack Road, Suite 101
 City, State, Zip Washington, PA 15301
 County Clearfield
 Township(s) Ferguson Township
 Receiving Stream(s) and Classification(s) Chest Creek
- ESCGP-1 # ESX09-031-0001 Phase 2
 Applicant Name EQT Production
 Contact Person Todd Klaner
 Address 225 North Shore Drive
 City Pittsburgh State PA Zip Code 15212
 County Clarion Township(s) Porter
 Receiving Stream(s) and Classification(s) Rock Run—
 CWF; UNT to Redbank Creek—CWF

SPECIAL NOTICES

CATEGORICAL EXCLUSION

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

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
City of Pittston	35 Broad Street Pittston, PA 18640	City of Pittston	Luzerne

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The City of Pittston proposes to separate a portion of its combined wastewater collection system and construct new sanitary and stormwater lines to serve the Broad Street and tributary areas (Phase 1). The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
City of Pittston	35 Broad Street Pittston, PA 18640	City of Pittston	Luzerne

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The City of Pittston proposes to separate a portion of its combined wastewater collection system and construct new sanitary and storm water lines to serve the Mill Street and tributary areas (Phase 2). The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Borough of West Pittston	555 Exeter Avenue West Pittston, PA 18643	Borough of West Pittston	Luzerne

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of West Pittston proposes to separate a portion of its combined wastewater collection system and construct new sanitary and stormwater lines to serve the Philadelphia/Baltimore Avenue and tributary areas (Phase 1). The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Borough of West Pittston	555 Exeter Avenue West Pittston, PA 18643	Borough of West Pittston	Luzerne

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of West Pittston proposes to separate a portion of its combined wastewater collection system and construct new sanitary and stormwater lines to serve the Philadelphia/Baltimore Avenue and tributary areas (Phase 2). The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

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

Act 181 Notification: Mine Drainage Treatment Projects in Bedford, Cambria, Indiana and Somerset Counties. The work will include the construction of both passive and active treatment ponds on forfeited surface mine sites. Proposals to perform the work will be accepted and reviewed by the Cambria District Mining Office. This project issues on March 27, 2010. A mandatory pre-proposal meeting will be conducted on April 14, 2010; at the Cambria District Mining Office in Ebensburg, PA. Call for time and directions. Attendance (or a prior conference) is mandatory to place a proposal for this contract. Project documents will be available at the pre-proposal meeting. Contractors must obtain a Coal Mining License to qualify for the final award as per 25 Pa. Code § 86.189. For more information contact, Malcolm Crittenden at 814-472-1908 or mcrittende@state.pa.us.

[Pa.B. Doc. No. 10-560. Filed for public inspection March 26, 2010, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

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

Changes to Technical Guidance Documents

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

Notice to Rescind Technical Guidance:

DEP ID: 383-0810-401. Title: Summary of Key Requirements for Consecutive Water Systems. Description: This document is being rescinded because it contains outdated information that is now incorrect as a result of promulgating many new Safe Drinking Water regulations. Contact: Questions regarding the draft technical guidance should be directed to: Deb Rotz, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 772-2190, drotz@state.pa.us.

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

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-561. Filed for public inspection March 26, 2010, 9:00 a.m.]

Bid Opportunity

DMF 013-140.1, Abandoned Mine Land Reclamation Project, Doverspike Brothers Coal Company, Mining Permit No. 33841303, Perry Township, Jefferson County. The principal items of work and approximate quantities include 11,250 cubic yards of grading with clearing and grubbing; 900 square yards of R-4 rock lining; demolition and removal of structures; backfilling vertical mine shafts; 85 cubic yards of R-5 rock; 135 tons of R-3 rock; 440 tons of coarse aggregate; backfilling mine entry slopes using either Method A—grouting or Method B—stowing. Method A consists of 95 linear feet of drilling boreholes; 85 linear feet of installing casing pipe; 465 tons of coarse aggregate bulkhead; 4,650 bags of cement for

grouting mine voids and 1,550 ton of fly ash for grouting mine voids. Method B consists of 38 linear feet of drilling boreholes; 41 linear feet of installing casing pipe and 3,350 tons of pneumatically stowing mine voids with coarse aggregate. This project issues on March 26, 2010, and bids will be opened on April 22, 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. 10-562. Filed for public inspection March 26, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

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

Cornwall Manor
P. O. Box 125
Boyd Street
Cornwall, PA 17016
ID No. 033902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c)(1) (relating to nurses' station).

Church of the Brethren Home
277 Hoffman Avenue
Windber, PA 15963

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

Meadowood
3205 Skippack Pike
P. O. Box 670
Worcester, PA 19490-0670
FAC ID 392602

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

The Lafayette-Redeemer (A d/b/a entity of Holy Redeemer Health System)
8580 Verree Road
Philadelphia, PA 19111
FAC ID 125602

St. Joseph's Manor (A d/b/a entity of Holy Redeemer Health System)
1616 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID 451002

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 require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-563. Filed for public inspection March 26, 2010, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2010, through June 30, 2010, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.26
Beans/Peas—Dry—16 oz.	\$2.01
Canned Fish—Pink Salmon	\$2.23
Canned Fish—Sardines	\$1.27
Canned Fish—Tuna	\$1.11
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.17
Eggs	\$1.98
Gerber Infant Cereal—8 oz.	\$2.01
Infant Fruits, 100%—4 oz.	\$0.59
Infant Vegetables, 100%—4 oz.	\$0.59
Infant Meats, 100%—2.5 oz.	\$1.05
Juice—11.5/12 oz.	\$2.12
Juice—48 oz.	\$3.00
Juice—64 oz.	\$3.68
Kosher Cheese	\$7.03
Kosher Low Fat Milk—quart	\$1.43

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Low Fat Milk—1/2 gallon	\$2.04
Kosher Whole Milk—quart	\$1.43
Kosher Whole Milk—1/2 gallon	\$2.32
Milk, Dry—16 oz.	\$4.99
Milk, Evaporated—12 oz.	\$1.21
Milk, Low Fat—quart	\$1.31
Milk, Low Fat—1/2 gallon	\$2.30
Milk, Low Fat Lactose Free—quart	\$2.12
Milk, Low Fat Lactose Free—1/2 gallon	\$3.67
Milk, Whole—quart	\$1.35
Milk, Whole—1/2 gallon	\$2.36
Milk, Whole Lactose Free—quart	\$2.12
Milk, Whole Lactose Free—1/2 gallon	\$3.71
Peanut Butter	\$3.09
Soy Beverage—Pacific Natural Foods/8th Continent 32 oz.	\$3.15
Soy Beverage—Pacific Natural Foods/8th Continent 64 oz.	\$3.15
Tofu—Soy Boy/House Premium 12/16 oz.	\$2.20
Whole Grain—Bread, 16 oz.	\$3.84
Whole Grain—Bread, 24 oz.	\$3.84
Whole Grain—Brown Rice, 16 oz.	\$1.64
Whole Grain—Brown Rice, 24 oz.	\$2.79
Whole Grain—Oats, 16 oz.	\$1.70
Whole Grain—Oats, 24 oz.	\$5.15
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.19
Alimentum Advance Ready-to-Feed Formula—32 oz.	\$8.91
Alimentum Advance Powder Formula—16 oz.	\$25.91
Boost Ready-to-Feed Formula—8 oz.	\$2.00
EnfaCare LIPIL w/Iron Ready to Feed—32 oz.	\$7.01
EnfaCare LIPIL w/Iron Powder Formula—12.8 oz.	\$13.99
Enfamil LIPIL Concentrate Formula—13 oz. ..	\$4.48
Enfamil LIPIL Ready-to-Feed Formula—32 oz.	\$6.57
Enfamil LIPIL Powder Formula—12.9 oz.	\$13.48
Isomil DF Ready-to-Feed Formula—32 oz.	\$6.21
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.21
Good Start Gentle PLUS Ready-To-Feed—Orange Formula—32 oz.	\$6.35
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$13.73
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.46
Good Start Soy PLUS Ready-to-Feed—Blue Formula—32 oz.	\$6.56
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$13.73
Good Start Soy PLUS 2 Powder—Blue w/blue—24 oz.	\$20.82
Good Start Gentle Plus 2 Powder—Blue w/orange—24 oz.	\$20.56

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start Protect PLUS 2 Powder—Blue w/green—24 oz.	\$26.44
Good Start Protect PLUS 2 Powder—Green—12 oz.	\$14.45
Good Start Nourish PLUS Powder—Purple—12 oz.	\$10.79
Nutramigen Lipil Concentrate Formula—13 oz.	\$7.01
Nutramigen Lipil Ready-to-Feed Formula—32 oz.	\$8.98
Nutramigen Lipil Powder Formula—16 oz.	\$25.26
Nutramigen Lipil w/Enflora Powder Formula—12.6 oz.	\$22.16
Pediasure Ready-to-Feed Formula—8 oz.	\$1.80
Pediasure w/Fiber Ready-to-Feed Formula—8 oz.	\$1.86
Similac Advance Concentrate Formula—13 oz.	\$4.32
Similac Advance Ready-to-Feed Formula—32 oz.	\$6.34
Similac Advance Powder Formula—12.9 oz.	\$13.20
Similac Neosure Advance Ready-to-Feed Formula—32 oz.	\$7.40
Similac Neosure Advance Powder Formula—12.8 oz.	\$15.21
Store Brand Milk Based Formula—Concentrate—13 oz.	\$2.84
Store Brand Milk Based Formula—Ready-to-Feed—32 oz.	\$3.79
Store Brand Milk Based Formula—Powder—25.75 oz.	\$16.13

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2010, through June 30, 2010, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.26
Beans/Peas—Dry—16 oz.	\$1.79
Canned Fish—Pink Salmon	\$2.13
Canned Fish—Sardines	\$1.22
Canned Fish—Tuna	\$1.04
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$5.41
Eggs	\$1.83
Gerber Infant Cereal—8 oz.	\$2.01
Infant Fruits, 100%—4 oz.	\$0.53

<i>Description</i>	<i>Competitive Prices</i>
Infant Vegetables, 100%—4 oz.	\$0.53
Infant Meats, 100%—2.5 oz.	\$0.95
Juice—11.5/12 oz.	\$2.01
Juice—48 oz.	\$2.86
Juice—64 oz.	\$3.41
Kosher Cheese	\$6.99
Kosher Low Fat Milk—1/2 gallon	\$2.02
Kosher Whole Milk—1/2 gallon	\$2.20
Milk, Low Fat—1/2 gallon	\$2.24
Milk, Whole—1/2 gallon	\$2.26
Peanut Butter	\$2.80
Whole Grain—Bread, 16 oz.	\$3.60
Whole Grain—Brown Rice, 16 oz.	\$1.64
Whole Grain—Oats, 16 oz.	\$1.64
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.04
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.21
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$13.73
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.46
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$13.73

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2010, through June 30, 2010, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.26
Beans/Peas—Dry—16 oz.	\$2.01
Canned Fish—Pink Salmon	\$2.23
Canned Fish—Sardines	\$1.39
Canned Fish—Tuna	\$1.21
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$6.17
Eggs	\$1.98
Gerber Infant Cereal—8 oz.	\$2.13
Infant Fruits, 100%—4 oz.	\$0.64
Infant Vegetables, 100%—4 oz.	\$0.64
Infant Meats, 100%—2.5 oz.	\$1.05
Juice—11.5/12 oz.	\$2.47
Juice—48 oz.	\$3.04
Juice—64 oz.	\$4.26
Kosher Cheese	\$7.07
Kosher Low Fat Milk—quart	\$1.43
Kosher Low Fat Milk—1/2 gallon	\$2.04

<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—quart	\$1.43	Good Start Protect PLUS 2 Powder—Blue w/green—24 oz.	\$26.44
Kosher Whole Milk—1/2 gallon	\$2.32	Good Start Protect PLUS 2 Powder—Green—12 oz.	\$16.28
Milk, Dry—16 oz.	\$4.99	Good Start Nourish PLUS Powder—Purple—12 oz.	\$10.79
Milk, Evaporated—12 oz.	\$1.34	Nutramigen Lipil Concentrate Formula—13 oz.	\$7.30
Milk, Low Fat—quart	\$1.31	Nutramigen Lipil Ready-to-Feed Formula—32 oz.	\$9.20
Milk, Low Fat—1/2 gallon	\$2.32	Nutramigen Lipil Powder Formula—16 oz.	\$26.93
Milk, Low Fat Lactose Free—quart	\$2.23	Nutramigen Lipil w/Enflora Powder Formula—12.6 oz.	\$23.56
Milk, Low Fat Lactose Free—1/2 gallon	\$3.99	Pediasure Ready-to-Feed Formula—8 oz.	\$2.13
Milk, Whole—quart	\$1.35	Pediasure w/Fiber Ready-to-Feed Formula—8 oz.	\$2.09
Milk, Whole—1/2 gallon	\$2.36	Similac Advance Concentrate Formula—13 oz.	\$4.49
Milk, Whole Lactose Free—quart	\$2.27	Similac Advance Ready-to-Feed Formula—32 oz.	\$6.38
Milk, Whole Lactose Free—1/2 gallon	\$3.97	Similac Advance Powder Formula—12.9 oz.	\$13.72
Peanut Butter	\$3.09	Similac Neosure Advance Ready-to-Feed Formula—32 oz.	\$7.65
Soy Beverage—Pacific Natural Foods/8th Continent 32 oz.	\$3.15	Similac Neosure Advance Powder Formula—12.8 oz.	\$15.89
Soy Beverage—Pacific Natural Foods/8th Continent 64 oz.	\$3.40	Store Brand Milk Based Formula Concentrate—13 oz.	\$2.89
Tofu—Soy Boy/House Premium 12/16 oz.	\$2.20	Store Brand Milk Based Formula—Ready-to-Feed—32 oz.	\$3.86
Whole Grain—Bread, 16 oz.	\$3.84	Store Brand Milk Based Formula—Powder—25.75 oz.	\$16.99
Whole Grain—Bread, 24 oz.	\$3.84		
Whole Grain—Brown Rice, 16 oz.	\$2.19		
Whole Grain—Brown Rice, 24 oz.	\$2.79		
Whole Grain—Oats, 16 oz.	\$2.11		
Whole Grain—Oats, 24 oz.	\$5.18		
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.23		
Alimentum Advance Ready-to-Feed Formula—32 oz.	\$9.43		
Alimentum Advance Powder Formula—16 oz.	\$26.86		
Boost Ready-to-Feed Formula—8 oz.	\$2.19		
EnfaCare LIPIL w/Iron Ready to Feed—32 oz.	\$7.26		
EnfaCare LIPIL w/Iron Powder Formula—12.8 oz.	\$14.44		
Enfamil LIPIL Concentrate Formula—13 oz.	\$4.87		
Enfamil LIPIL Ready-to-Feed Formula—32 oz.	\$7.12		
Enfamil LIPIL Powder Formula—12.9 oz.	\$13.91		
Isomil DF Ready-to-Feed Formula—32 oz.	\$6.34		
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.73		
Good Start Gentle PLUS Ready-to-Feed—Orange Formula—32 oz.	\$6.57		
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$13.87		
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.90		
Good Start Soy PLUS Ready-to-Feed—Blue Formula—32 oz.	\$6.91		
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$13.87		
Good Start Soy PLUS 2 Powder—Blue w/blue—24 oz.	\$22.19		
Good Start Gentle Plus 2 Powder—Blue w/orange—24 oz.	\$22.19		

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2010, through June 30, 2010, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.26
Beans/Peas—Dry—16 oz.	\$1.79
Canned Fish—Pink Salmon	\$2.18
Canned Fish—Sardines	\$1.34
Canned Fish—Tuna	\$1.12
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$5.41
Eggs	\$1.86

<i>Description</i>	<i>Competitive Prices</i>
Gerber Infant Cereal—8 oz.	\$2.13
Infant Fruits, 100%—4 oz.	\$0.61
Infant Vegetables, 100%—4 oz.	\$0.61
Infant Meats, 100%—2.5 oz.	\$1.04
Juice—11.5/12 oz.	\$2.31
Juice—48 oz.	\$2.93
Juice—64 oz.	\$3.86
Kosher Cheese	\$7.01
Kosher Low Fat Milk—1/2 gallon	\$2.02
Kosher Whole Milk—1/2 gallon	\$2.20
Milk, Low Fat—1/2 gallon	\$2.26
Milk, Whole—1/2 gallon	\$2.26
Peanut Butter	\$2.80
Whole Grain—Bread, 16 oz.	\$3.60
Whole Grain—Brown Rice, 16 oz.	\$2.17
Whole Grain—Oats, 16 oz.	\$2.08
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.21
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.73
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$13.87
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.90
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$13.87

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2010, through June 30, 2010, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.26
Beans/Peas—Dry—16 oz.	\$2.01
Canned Fish—Pink Salmon	\$2.28
Canned Fish—Sardines	\$1.39
Canned Fish—Tuna	\$1.23
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$6.17
Eggs	\$1.98
Gerber Infant Cereal—8 oz.	\$2.28
Infant Fruits, 100%—4 oz.	\$0.78
Infant Vegetables, 100%—4 oz.	\$0.78
Infant Meats, 100%—2.5 oz.	\$1.18
Juice—11.5/12 oz.	\$2.47
Juice—48 oz.	\$3.11
Juice—64 oz.	\$4.26

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Cheese	\$7.89
Kosher Low Fat Milk—quart	\$1.59
Kosher Low Fat Milk—1/2 gallon	\$2.96
Kosher Whole Milk—quart	\$1.59
Kosher Whole Milk—1/2 gallon	\$2.96
Milk, Dry—16 oz.	\$4.99
Milk, Evaporated—12 oz.	\$1.37
Milk, Low Fat—quart	\$1.31
Milk, Low Fat—1/2 gallon	\$2.34
Milk, Low Fat Lactose Free—quart	\$2.23
Milk, Low Fat Lactose Free—1/2 gallon	\$3.99
Milk, Whole—quart	\$1.35
Milk, Whole—1/2 gallon	\$2.36
Milk, Whole Lactose Free—quart	\$2.27
Milk, Whole Lactose Free—1/2 gallon	\$3.99
Peanut Butter	\$3.09
Soy Beverage—Pacific Natural Foods/8th Continent 32 oz.	\$3.15
Soy Beverage—Pacific Natural Foods/8th Continent 64 oz.	\$3.40
Tofu—Soy Boy/House Premium 12/16 oz.	\$2.34
Whole Grain—Bread, 16 oz.	\$3.84
Whole Grain—Bread, 24 oz.	\$3.84
Whole Grain—Brown Rice, 16 oz.	\$2.19
Whole Grain—Brown Rice, 24 oz.	\$2.79
Whole Grain—Oats, 16 oz.	\$2.11
Whole Grain—Oats, 24 oz.	\$5.18
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.34
Alimentum Advance Ready-to-Feed Formula—32 oz.	\$9.48
Alimentum Advance Powder Formula— 16 oz.	\$26.99
Boost Ready-to-Feed Formula—8 oz.	\$2.19
EnfaCare LIPIL w/Iron Ready to Feed— 32 oz.	\$7.54
EnfaCare LIPIL w/Iron Powder Formula— 12.8 oz.	\$15.19
Enfamil LIPIL Concentrate Formula—13 oz. ...	\$5.24
Enfamil LIPIL Ready-to-Feed Formula— 32 oz.	\$7.54
Enfamil LIPIL Powder Formula—12.9 oz.	\$15.19
Isomil DF Ready-to-Feed Formula—32 oz.	\$8.19
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.85
Good Start Gentle PLUS Ready-To-Feed—Orange Formula—32 oz. ...	\$6.94
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.49
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$5.12
Good Start Soy PLUS Ready-to-Feed—Blue Formula—32 oz.	\$7.28
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$14.49
Good Start Soy PLUS 2 Powder—Blue w/blue—24 oz.	\$22.19

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start Gentle Plus 2 Powder—Blue w/orange—24 oz.	\$22.79
Good Start Protect PLUS 2 Powder—Blue w/green—24 oz.	\$26.44
Good Start Protect PLUS 2 Powder—Green—12 oz.	\$16.28
Good Start Nourish PLUS Powder—Purple—12 oz.	\$10.79
Nutramigen Lipil Concentrate Formula—13 oz.	\$7.82
Nutramigen Lipil Ready-to-Feed Formula—32 oz.	\$9.38
Nutramigen Lipil Powder Formula—16 oz.	\$28.36
Nutramigen Lipil w/Enflora Powder Formula—12.6 oz.	\$23.56
Pediasure Ready-to-Feed Formula—8 oz.	\$2.58
Pediasure w/Fiber Ready-to-Feed Formula—8 oz.	\$2.63
Similac Advance Concentrate Formula—13 oz.	\$5.17
Similac Advance Ready-to-Feed Formula—32 oz.	\$7.18
Similac Advance Powder Formula—12.9 oz.	\$15.02
Similac Neosure Advance Ready-to-Feed Formula—32 oz.	\$9.23
Similac Neosure Advance Powder Formula—12.8 oz.	\$15.89
Store Brand Milk Based Formula—Concentrate—13 oz.	\$3.10
Store Brand Milk Based Formula—Ready-to-Feed—32 oz.	\$4.32
Store Brand Milk Based Formula—Powder—25.75 oz.	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2010, through June 30, 2010, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.26
Beans/Peas—Dry—16 oz.	\$1.79
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.34
Canned Fish—Tuna	\$1.16
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$5.41
Eggs	\$1.88

<i>Description</i>	<i>Competitive Prices</i>
Gerber Infant Cereal—8 oz.	\$2.28
Infant Fruits, 100%—4 oz.	\$0.73
Infant Vegetables, 100%—4 oz.	\$0.73
Infant Meats, 100%—2.5 oz.	\$1.16
Juice—11.5/12 oz.	\$2.33
Juice—48 oz.	\$3.02
Juice—64 oz.	\$3.92
Kosher Cheese	\$7.67
Kosher Low Fat Milk—1/2 gallon	\$2.95
Kosher Whole Milk—1/2 gallon	\$2.95
Milk, Low Fat—1/2 gallon	\$2.28
Milk, Whole—1/2 gallon	\$2.26
Peanut Butter	\$2.80
Whole Grain—Bread, 16 oz.	\$3.60
Whole Grain—Brown Rice, 16 oz.	\$2.17
Whole Grain—Oats, 16 oz.	\$2.08
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.32
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.85
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.49
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$5.12
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$14.49

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2010, through June 30, 2010, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.05
Canned Fish—Pink Salmon	\$2.28
Canned Fish—Sardines	\$1.30
Canned Fish—Tuna	\$1.15
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$6.23
Eggs	\$2.08
Gerber Infant Cereal—8 oz.	\$2.13
Infant Fruits, 100%—4 oz.	\$0.60
Infant Vegetables, 100%—4 oz.	\$0.60
Infant Meats, 100%—2.5 oz.	\$1.06
Juice—11.5/12 oz.	\$2.31
Juice—48 oz.	\$3.07
Juice—64 oz.	\$3.90
Kosher Cheese	\$7.89

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Low Fat Milk—quart	\$1.45
Kosher Low Fat Milk—1/2 gallon	\$2.04
Kosher Whole Milk—quart	\$1.45
Kosher Whole Milk—1/2 gallon	\$2.32
Milk, Dry—16 oz.	\$4.99
Milk, Evaporated—12 oz.	\$1.26
Milk, Low Fat—quart	\$1.42
Milk, Low Fat—1/2 gallon	\$2.42
Milk, Low Fat Lactose Free—quart	\$2.25
Milk, Low Fat Lactose Free—1/2 gallon	\$3.93
Milk, Whole—quart	\$1.40
Milk, Whole—1/2 gallon	\$2.47
Milk, Whole Lactose Free—quart	\$2.25
Milk, Whole Lactose Free—1/2 gallon	\$3.93
Peanut Butter	\$3.09
Soy Beverage—Pacific Natural Foods/8th Continent 32 oz.	\$3.20
Soy Beverage—Pacific Natural Foods/8th Continent 64 oz.	\$3.22
Tofu—Soy Boy/House Premium 12/16 oz.	\$2.20
Whole Grain—Bread, 16 oz.	\$3.84
Whole Grain—Bread, 24 oz.	\$3.84
Whole Grain—Brown Rice, 16 oz.	\$1.88
Whole Grain—Brown Rice, 24 oz.	\$2.99
Whole Grain—Oats, 16 oz.	\$1.95
Whole Grain—Oats, 24 oz.	\$5.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.20
Alimentum Advance Ready-to-Feed Formula—32 oz.	\$9.18
Alimentum Advance Powder Formula—16 oz.	\$26.21
Boost Ready-to-Feed Formula—8 oz.	\$2.00
EnfaCare LIPIL w/Iron Ready to Feed—32 oz.	\$7.29
EnfaCare LIPIL w/Iron Powder Formula—12.8 oz.	\$14.39
Enfamil LIPIL Concentrate Formula—13 oz.	\$4.49
Enfamil LIPIL Ready-to-Feed Formula—32 oz.	\$6.66
Enfamil LIPIL Powder Formula—12.9 oz.	\$13.76
Isomil DF Ready-to-Feed Formula—32 oz.	\$6.32
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.48
Good Start Gentle PLUS Ready-to-Feed—Orange Formula—32 oz.	\$6.49
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$13.89
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.64
Good Start Soy PLUS Ready-to-Feed—Blue Formula—32 oz.	\$6.64
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$13.89
Good Start Soy PLUS 2 Powder—Blue w/blue—24 oz.	\$21.65

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start Gentle Plus 2 Powder—Blue w/orange—24 oz.	\$21.44
Good Start Protect PLUS 2 Powder—Blue w/green—24 oz.	\$26.44
Good Start Protect PLUS 2 Powder—Green—12 oz.	\$14.52
Good Start Nourish PLUS Powder—Purple—12 oz.	\$10.79
Nutramigen Lipil Concentrate Formula—13 oz.	\$7.17
Nutramigen Lipil Ready-to-Feed Formula—32 oz.	\$9.02
Nutramigen Lipil Powder Formula—16 oz.	\$26.02
Nutramigen Lipil w/Enflora Powder Formula—12.6 oz.	\$22.52
Pediasure Ready-to-Feed Formula—8 oz.	\$1.85
Pediasure w/Fiber Ready-to-Feed Formula—8 oz.	\$1.92
Similac Advance Concentrate Formula—13 oz.	\$4.43
Similac Advance Ready-to-Feed Formula—32 oz.	\$6.34
Similac Advance Powder Formula—12.9 oz.	\$13.60
Similac Neosure Advance Ready-to-Feed Formula—32 oz.	\$7.62
Similac Neosure Advance Powder Formula—12.8 oz.	\$15.60
Store Brand Milk Based Formula Concentrate—13 oz.	\$2.87
Store Brand Milk Based Formula—Ready-to-Feed—32 oz.	\$3.85
Store Brand Milk Based Formula—Powder—25.75 oz.	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2010, through June 30, 2010, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$1.79
Canned Fish—Pink Salmon	\$2.21
Canned Fish—Sardines	\$1.27
Canned Fish—Tuna	\$1.07
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$5.51
Eggs	\$1.93

<i>Description</i>	<i>Competitive Prices</i>
Gerber Infant Cereal—8 oz.	\$2.13
Infant Fruits, 100%—4 oz.	\$0.55
Infant Vegetables, 100%—4 oz.	\$0.55
Infant Meats, 100%—2.5 oz.	\$0.97
Juice—11.5/12 oz.	\$2.13
Juice—48 oz.	\$2.95
Juice—64 oz.	\$3.54
Kosher Cheese	\$7.67
Kosher Low Fat Milk—1/2 gallon	\$2.02
Kosher Whole Milk—1/2 gallon	\$2.20
Milk, Low Fat—1/2 gallon	\$2.28
Milk, Whole—1/2 gallon	\$2.31
Peanut Butter	\$2.80
Whole Grain—Bread, 16 oz.	\$3.61
Whole Grain—Brown Rice, 16 oz.	\$1.88
Whole Grain—Oats, 16 oz.	\$1.91
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.08
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.48
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$13.89
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.64
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$13.89

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2010, through June 30, 2010, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.05
Canned Fish—Pink Salmon	\$2.28
Canned Fish—Sardines	\$1.46
Canned Fish—Tuna	\$1.22
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$6.23
Eggs	\$2.08
Gerber Infant Cereal—8 oz.	\$2.21
Infant Fruits, 100%—4 oz.	\$0.64
Infant Vegetables, 100%—4 oz.	\$0.64
Infant Meats, 100%—2.5 oz.	\$1.11
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.26
Juice—64 oz.	\$4.26

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Cheese	\$7.89
Kosher Low Fat Milk—quart	\$1.46
Kosher Low Fat Milk—1/2 gallon	\$2.04
Kosher Whole Milk—quart	\$1.46
Kosher Whole Milk—1/2 gallon	\$2.32
Milk, Dry—16 oz.	\$4.99
Milk, Evaporated—12 oz.	\$1.40
Milk, Low Fat—quart	\$1.42
Milk, Low Fat—1/2 gallon	\$2.42
Milk, Low Fat Lactose Free—quart	\$2.28
Milk, Low Fat Lactose Free—1/2 gallon	\$4.05
Milk, Whole—quart	\$1.40
Milk, Whole—1/2 gallon	\$2.47
Milk, Whole Lactose Free—quart	\$2.28
Milk, Whole Lactose Free—1/2 gallon	\$4.03
Peanut Butter	\$3.09
Soy Beverage—Pacific Natural Foods/8th Continent 32 oz.	\$3.20
Soy Beverage—Pacific Natural Foods/8th Continent 64 oz.	\$3.48
Tofu—Soy Boy/House Premium 12/16 oz.	\$2.20
Whole Grain—Bread, 16 oz.	\$3.84
Whole Grain—Bread, 24 oz.	\$3.84
Whole Grain—Brown Rice, 16 oz.	\$2.19
Whole Grain—Brown Rice, 24 oz.	\$2.99
Whole Grain—Oats, 16 oz.	\$2.11
Whole Grain—Oats, 24 oz.	\$5.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.33
Alimentum Advance Ready-to-Feed Formula—32 oz.	\$9.74
Alimentum Advance Powder Formula— 16 oz.	\$27.51
Boost Ready-to-Feed Formula—8 oz.	\$2.19
EnfaCare LIPIL w/Iron Ready-to-Feed— 32 oz.	\$7.74
EnfaCare LIPIL w/Iron Powder Formula— 12.8 oz.	\$15.30
Enfamil LIPIL Concentrate Formula—13 oz. ..	\$4.87
Enfamil LIPIL Ready-to-Feed Formula— 32 oz.	\$7.12
Enfamil LIPIL Powder Formula—12.9 oz.	\$14.61
Isomil DF Ready-to-Feed Formula—32 oz.	\$6.64
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.78
Good Start Gentle PLUS Ready-to-Feed—Orange Formula—32 oz. ...	\$6.86
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.47
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.95
Good Start Soy PLUS Ready-to-Feed—Blue Formula—32 oz.	\$6.91
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$14.47
Good Start Soy PLUS 2 Powder—Blue w/blue—24 oz.	\$22.34

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start Gentle Plus 2 Powder—Blue w/orange—24 oz.	\$22.19
Good Start Protect PLUS 2 Powder—Blue w/green—24 oz.	\$26.44
Good Start Protect PLUS 2 Powder—Green—12 oz.	\$16.28
Good Start Nourish PLUS Powder—Purple—12 oz.	\$10.79
Nutramigen Lipil Concentrate Formula—13 oz.	\$7.51
Nutramigen Lipil Ready-to-Feed Formula—32 oz.	\$9.20
Nutramigen Lipil Powder Formula—16 oz.	\$27.39
Nutramigen Lipil w/Enflora Powder Formula—12.6 oz.	\$23.82
Pediasure Ready-to-Feed Formula—8 oz.	\$2.29
Pediasure w/Fiber Ready-to-Feed Formula—8 oz.	\$2.22
Similac Advance Concentrate Formula—13 oz.	\$4.70
Similac Advance Ready-to-Feed Formula—32 oz.	\$6.71
Similac Advance Powder Formula—12.9 oz.	\$14.44
Similac Neosure Advance Ready-to-Feed Formula—32 oz.	\$7.93
Similac Neosure Advance Powder Formula—12.8 oz.	\$16.68
Store Brand Milk Based Formula—Concentrate—13 oz.	\$2.95
Store Brand Milk Based Formula—Ready-to-Feed—32 oz.	\$4.05
Store Brand Milk Based Formula—Powder—25.75 oz.	\$16.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2010, through June 30, 2010, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$1.79
Canned Fish—Pink Salmon	\$2.21
Canned Fish—Sardines	\$1.43
Canned Fish—Tuna	\$1.14
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$5.51
Eggs	\$1.87

<i>Description</i>	<i>Competitive Prices</i>
Gerber Infant Cereal—8 oz.	\$2.21
Infant Fruits, 100%—4 oz.	\$0.64
Infant Vegetables, 100%—4 oz.	\$0.64
Infant Meats, 100%—2.5 oz.	\$1.08
Juice—11.5/12 oz.	\$2.38
Juice—48 oz.	\$3.12
Juice—64 oz.	\$3.90
Kosher Cheese	\$7.67
Kosher Low Fat Milk—1/2 gallon	\$2.02
Kosher Whole Milk—1/2 gallon	\$2.20
Milk, Low Fat—1/2 gallon	\$2.28
Milk, Whole—1/2 gallon	\$2.31
Peanut Butter	\$2.80
Whole Grain—Bread, 16 oz.	\$3.61
Whole Grain—Brown Rice, 16 oz.	\$2.17
Whole Grain—Oats, 16 oz.	\$2.08
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.25
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.78
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.47
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.95
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$14.47

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2010, through June 30, 2010, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.05
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.46
Canned Fish—Tuna	\$1.24
Cereal (per oz.)	\$0.37
Cheese, 16 oz.	\$7.09
Eggs	\$2.08
Gerber Infant Cereal—8 oz.	\$2.42
Infant Fruits, 100%—4 oz.	\$0.81
Infant Vegetables, 100%—4 oz.	\$0.81
Infant Meats, 100%—2.5 oz.	\$1.18
Juice—11.5/12 oz.	\$2.75
Juice—48 oz.	\$3.28
Juice—64 oz.	\$4.26
Kosher Cheese	\$7.89

<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Low Fat Milk—quart	\$1.59	Good Start Gentle Plus 2 Powder—Blue w/orange—24 oz.	\$22.79
Kosher Low Fat Milk—1/2 gallon	\$2.96	Good Start Protect PLUS 2 Powder—Blue w/green—24 oz.	\$26.44
Kosher Whole Milk—quart	\$1.59	Good Start Protect PLUS 2 Powder—Green—12 oz.	\$16.28
Kosher Whole Milk—1/2 gallon	\$2.96	Good Start Nourish PLUS Powder—Purple—12 oz.	\$12.83
Milk, Dry—16 oz.	\$4.99	Nutramigen Lipil Concentrate Formula—13 oz.	\$8.63
Milk, Evaporated—12 oz.	\$1.40	Nutramigen Lipil Ready-to-Feed Formula—32 oz.	\$10.94
Milk, Low Fat—quart	\$1.53	Nutramigen Lipil Powder Formula—16 oz.	\$30.29
Milk, Low Fat Lactose Free—quart	\$2.54	Nutramigen Lipil w/Enflora Powder Formula—12.6 oz.	\$25.15
Milk, Low Fat Lactose Free—1/2 gallon	\$2.36	Pediasure Ready-to-Feed Formula—8 oz.	\$2.64
Milk, Whole—quart	\$1.54	Pediasure w/Fiber Ready-to-Feed Formula—8 oz.	\$2.63
Milk, Whole—1/2 gallon	\$2.57	Similac Advance Concentrate Formula—13 oz.	\$5.59
Milk, Whole Lactose Free—quart	\$2.36	Similac Advance Ready-to-Feed Formula—32 oz.	\$8.04
Milk, Whole Lactose Free—1/2 gallon	\$4.03	Similac Advance Powder Formula—12.9 oz.	\$16.51
Peanut Butter	\$3.09	Similac Neosure Advance Ready-to-Feed Formula—32 oz.	\$9.99
Soy Beverage—Pacific Natural Foods/8th Continent 32 oz.	\$3.20	Similac Neosure Advance Powder Formula—12.8 oz.	\$19.19
Soy Beverage—Pacific Natural Foods/8th Continent 64 oz.	\$3.51	Store Brand Milk Based Formula Concentrate—13 oz.	\$3.24
Tofu—Soy Boy/House Premium 12/16 oz.	\$2.62	Store Brand Milk Based Formula—Ready-to-Feed—32 oz.	\$4.82
Whole Grain—Bread, 16 oz.	\$3.84	Store Brand Milk Based Formula—Powder—25.75 oz.	\$17.99
Whole Grain—Bread, 24 oz.	\$3.84		
Whole Grain—Brown Rice, 16 oz.	\$2.31		
Whole Grain—Brown Rice, 24 oz.	\$2.99		
Whole Grain—Oats, 16 oz.	\$2.73		
Whole Grain—Oats, 24 oz.	\$5.45		
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45		
Alimentum Advance Ready-to-Feed Formula—32 oz.	\$10.33		
Alimentum Advance Powder Formula—16 oz.	\$30.11		
Boost Ready-to-Feed Formula—8 oz.	\$2.19		
EnfaCare LIPIL w/Iron Ready-to-Feed—32 oz.	\$9.01		
EnfaCare LIPIL w/Iron Powder Formula—12.8 oz.	\$17.26		
Enfamil LIPIL Concentrate Formula—13 oz.	\$5.66		
Enfamil LIPIL Ready-to-Feed Formula—32 oz.	\$8.45		
Enfamil LIPIL Powder Formula—12.9 oz.	\$16.70		
Isomil DF Ready-to-Feed Formula—32 oz.	\$8.54		
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$5.74		
Good Start Gentle PLUS Ready-to-Feed—Orange Formula—32 oz.	\$8.14		
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$16.36		
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$5.53		
Good Start Soy PLUS Ready-to-Feed—Blue Formula—32 oz.	\$7.47		
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$16.36		
Good Start Soy PLUS 2 Powder—Blue w/blue—24 oz.	\$22.58		

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2010, through June 30, 2010, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$1.79
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.43
Canned Fish—Tuna	\$1.22
Cereal (per oz.)	\$0.37
Cheese, 16 oz.	\$5.83
Eggs	\$2.01
Gerber Infant Cereal—8 oz.	\$2.42

<i>Description</i>	<i>Competitive Prices</i>
Infant Fruits, 100%—4 oz.	\$0.79
Infant Vegetables, 100%—4 oz.	\$0.79
Infant Meats, 100%—2.5 oz.	\$1.16
Juice—11.5/12 oz.	\$2.71
Juice—48 oz.	\$3.26
Juice—64 oz.	\$4.03
Kosher Cheese	\$7.67
Kosher Low Fat Milk—1/2 gallon	\$2.95
Kosher Whole Milk—1/2 gallon	\$2.95
Milk, Low Fat—1/2 gallon	\$2.51
Milk, Whole—1/2 gallon	\$2.55
Peanut Butter	\$2.99
Whole Grain—Bread, 16 oz.	\$3.61
Whole Grain—Brown Rice, 16 oz.	\$2.30
Whole Grain—Oats, 16 oz.	\$2.71
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.43
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$5.74
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$16.36
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$5.53
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$16.36

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-564. Filed for public inspection March 26, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Crawford County

Under section 2002(b) of The Administrative Code of 1920 (71 P.S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to replace the Millers Station Bridge, which carries SR 1016 over French Creek in Rockdale Township, Crawford County.

The project will require the use of the Millers Station Bridge, which is eligible for listing in the National Register of Historic Places, and qualifies as a section 4(f)/section 2002 resource.

A Level 2 Categorical Exclusion Evaluation (CEE) and a Nationwide/Programmatic section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges were developed for the subject bridge replacement project to evaluate the potential environmental impacts caused by the subject project.

The FHWA approved the Programmatic section 4(f) Evaluation on February 12, 2010, and the Level 2 CEE on March 4, 2010.

The Level 2 CEE and supporting documentation find there is no practicable alternative to the proposed project, and the proposed action includes all practicable measures to minimize harm to the environment that may result from the proposed project.

Mitigation measures will be taken to minimize harm as stipulated in the Level 2 CEE, the Nationwide/Programmatic section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges, and the associated Memorandum of Agreement.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 10-565. Filed for public inspection March 26, 2010, 9:00 a.m.]

Finding

Washington and Westmoreland Counties

Under section 2002(b) of The Administrative Code of 1920 (71 P.S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Department of Transportation (Department) is planning to replace the major spans of the Charleroi-Monessen Bridge which carries SR 2018 over the Monongahela River connecting North Charleroi Borough in Washington County and Monessen City in Westmoreland County. This project will require the use of the Truss Spans of the bridge which are eligible for the National Register of Historic Places and, therefore, qualifies as a section 2002 resource.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department, a Level-2 Environmental Document (ED) has been developed for the subject project along with a “Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges” document to evaluate the potential environmental impacts caused by the subject project. The document serves as the section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken as stipulated in the Level-2 ED and the “Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges.”

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 10-566. Filed for public inspection March 26, 2010, 9:00 a.m.]

HOUSING FINANCE AGENCY

Request for Proposal; Quality Assessments Procedure

The Housing Finance Agency (Agency) is seeking proposals for creation and delivery of a quality assessment procedure to provide an analysis of efficacy of the housing and foreclosure intervention counseling services throughout the Statewide system of the Agency's counseling agencies. They are soliciting bids from qualified entities capable of providing both the methodology of assessment and providing the actual delivery of the completed evaluation by the end of the fiscal year. Proposals are due to the Agency on or before April 16, 2010.

The full Request for Proposals with instructions for interested entities is available on the Agency's web site at www.phfa.org.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 10-567. Filed for public inspection March 26, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-444	Environmental Quality Board Outdoor Wood-Fired Boilers 39 Pa.B. 6068 (October 17, 2009)	2/12/10	3/15/10
7-446	Environmental Quality Board Wastewater Treatment Requirements 39 Pa.B. 6467 (November 7, 2009)	2/12/10	3/15/10

Environmental Quality Board Regulation #7-444 (IRRC #2802)

Outdoor Wood-Fired Boilers

March 15, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.

Legislators and members of the public have provided a great deal of comment on this proposed rulemaking. The comments are both in favor of and in opposition to the rulemaking. Both sides raise many valid points about the pros and cons of promulgating a statewide rulemaking that regulates outdoor wood-fired boilers (OWBs).

Those that support the rulemaking have legitimate concerns about air quality in this Commonwealth. We especially understand the concerns of those that have been negatively affected by the operation of a nearby OWB. At the same time many commentators, especially those in the rural parts of the Commonwealth, fail to see the need for imposing statewide regulations on OWBs. They are concerned that if these regulations are promulgated, they will no longer be able to use their existing OWBs.

Given the number of legitimate points raised by opponents and proponents of the rulemaking, the different effects it will have on rural citizens of the Commonwealth compared to urban citizens of the Commonwealth, and the amount of interest expressed by members of the General Assembly, we suggest the regulation of OWBs on a statewide scale is a policy decision of such a substantial nature that it requires legislative review. Striking an appropriate balance between regulation and non-regulation on a statewide scale is an issue that should be addressed by the General Assembly. Since regulations have the full force and effect of law, we believe that any decision pertaining to the use of OWBs should be made by the elected officials of the legislative branch of government that represent all geographic regions of the Commonwealth.

2. Need for the regulation.

We acknowledge that the Pennsylvania Department of Environmental Protection (DEP) has an obligation to protect the public health and that OWBs can be a nuisance under certain circumstances. However, the Board has not provided adequate justification for the statewide regulation of OWBs. We have five concerns related to the need for the regulation. First, DEP has produced a model ordinance to assist municipalities in enacting local ordinances to regulate OWBs. The model ordinance states that, where home heating decisions are concerned, “the Department believes that local municipalities can respond to and resolve these issues more effectively and swiftly than a state agency.” Many commentators, including members of the General Assembly, also believe the regulation of OWBs should be left to local governments. Why does the Board believe that it is now more appropriate for a state agency to set the standards for the regulation of OWBs?

Second, in the Regulatory Analysis Form (RAF), the Board has stated that there are “many” citizen complaints regarding the operation of OWBs. Based on the number of comments received from citizens in support of this rulemaking, we recognize that OWBs can be problematic to many citizens of the Commonwealth. However, we ask the Board to quantify the number of complaints it has received and the number of complaints received by local governments. A breakdown of complaints by county would assist this Commission in determining if the regulation is in the public interest for all citizens of the Commonwealth.

Third, the Board has stated all or portions of 22 counties in the Commonwealth were designated by the Environmental Protection Agency (EPA) as nonattainment for certain air quality standards. We ask the Board to quantify how many OWBs are operating in the 22 nonattainment counties and compare that to the number of OWBs operating in the Commonwealth’s remaining 47 counties. Is there a correlation between the number of OWBs in a particular county and its attainment or nonattainment status as determined by the EPA?

Fourth, given the list of applicable Commonwealth regulations and statutes already in place and specifically cited in § 123.14(h) of this proposed rulemaking, what is the need for this rulemaking? Why can’t enforcement of the existing regulatory and statutory requirements provide adequate protection of the public health, safety and welfare?

Fifth, how many local governments have ordinances pertaining to the use of OWBs? Are the ordinances less stringent than this proposed rulemaking?

3. Implementation procedures.

Enforcement

Eight members of the Democratic Caucus of the House of Representatives submitted a comment in support of the rulemaking. In that comment, they state, “Most importantly, the Department of Environmental Protection must enforce these rules, and must assist local authorities in responding to wood boiler complaints.” The proposed regulation is silent on enforcement of this regulation. How will it be enforced? As suggested by the commentators, will the DEP be assisting local authorities in responding to complaints?

Role of local municipalities

The Pennsylvania State Association of Township Supervisors submitted comments that state the following: “If

the municipality would want to assist and enforce the proposed regulations, that municipality will have to first adopt an ordinance referencing the proposed regulations. Without such an ordinance, the only recourse for the municipality would be to refer the individual to DEP for relief.” Will local municipalities be required to pass their own ordinances referencing this rulemaking before they could require compliance? We ask the Board to respond to this concern in the Preamble to the final-form rulemaking.

Possibility of a “grandfathering” provision

As noted by many commentators, the retroactive nature of the rulemaking is problematic. They believe it is unfair to impose new requirements on people that have already invested in OWBs. Has the Board considered adding a grandfathering provision to the regulation?

Timetables for compliance

Section 15 of the RAF requires a promulgating agency to describe who and how many will be adversely affected by a regulation and how they will be affected. The Board has identified two companies in the Commonwealth that manufacture OWBs. One of the companies identified has submitted comments on the rulemaking. They are concerned that the proposed effective date of the rulemaking will not provide them enough time to develop and properly test the new technology that will be required. They note that if they are prohibited from selling their current units before they have a unit that is in compliance with this rulemaking, they will be forced out of business. As suggested by the commentator, we ask the Board to allow the requirements of the regulation to be phased-in over time so that the two Pennsylvania manufacturers will not be negatively affected by the rulemaking.

4. Fiscal impact of the regulation.

Cost to individuals

The Board’s estimate of costs to operators of OWBs is limited to the costs associated with ensuring the stack height of the devices is in compliance with the regulation. Many commentators, including members of the General Assembly, believe there are other costs associated with the rulemaking. For example, Senator Scarnati, President Pro Tempore of the Senate, commented as follows:

The retroactive nature of the proposed regulations will impose significant, unforeseen costs on homeowners who, in view of rising utility costs, have invested in these units to heat their homes. Additionally, the stack height requirements (especially for older boilers: 2 feet higher than rooflines within 500 feet) would require many existing installations in rural areas with hilly terrain to be retrofitted with impractical, expensive and unsafe chimney heights and guy wiring. The estimated cost to achieve compliance under the proposed regulations, will require significant additional expense, denying many rural owners, most of whom are on limited incomes, the ability to heat their home economically.

We ask the Board to provide a more detailed analysis of the costs associated with retrofitting an existing OWB. In addition, if an owner of an OWB is unable to meet the requirements of this regulation, we ask the Board to quantify the cost of obtaining a new source of heat and the cost of paying for that heat source on an annual basis.

Cost to state and local government

If the DEP will be enforcing the regulation and assisting local authorities with complaints, what additional

costs will be incurred by the DEP? If enforcement and responding to complaints will be the duty of local governments, what will be the costs for those entities? We ask the Board to quantify these costs in the Preamble and Regulatory Analysis Form of the final-form rulemaking.

5. The legality, desirability and feasibility of exempting or setting lesser standards of compliance for individuals or small businesses.

The setback provisions contained in § 123.14(c) and the stack height provisions contained in § 123.14(d) have been cited by many commentators as problematic for numerous reasons. For situations in which the operation of an OWB does not impact a neighbor, we ask the Board to consider providing exemptions to Subsections (c) and (d) for owners of OWBs.

6. Section 123.14. Outdoor wood-fired boilers.— Need; Reasonableness; Implementation procedures; Clarity.

Subsection (a) Applicability.

According to Subsections (a)(1)(i), (ii) and (iii), this regulation will apply to a: person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an OWB in the Commonwealth; a person who installs an OWB in the Commonwealth; and a person who purchases, receives, leases, owns uses or operates an OWB in the Commonwealth.

Section 15 of the RAF requires a promulgating agency to describe who and how many will be adversely affected by a regulation and how they will be affected. The Board's response to this section of the RAF includes the following paragraph:

Real estate agents and brokers may also be affected by this proposed rulemaking. The proposed rulemaking prohibits the sale of non-Phase 2 OWB models in this Commonwealth after the effective date. In the event that an unqualified OWB model is located on a property that is being sold after the effective date, the transfer of ownership and operation of the existing, unqualified OWB may be prohibited. While the regulation as currently drafted does not explicitly address the issue of transferring non-Phase 2 OWBs through a real estate transfer, the Department could interpret the regulation to prohibit that transfer and require that the non-qualifying OWB be dismantled before the real estate transfer takes place.

As noted by the Pennsylvania Association of Realtors (PAR), the terms "seller" and "lessor" are not defined in the regulation. PAR would like these terms defined to ensure that the regulation does not apply to real estate professionals or their clients. We agree that any potential interpretation of this regulation that would prohibit the sale of real property that has a non-Phase 2 OWB is unreasonable. We urge the Board to include specific language in the final-form regulation that would exempt individuals involved with real estate transactions from these regulations.

In addition, the phrase "reasonably prudent precautions" is used in Subsection (a)(2)(ii). This phrase is vague and does not establish a binding standard that can be evenly applied to all members of the regulated community. We recommend a more precise standard that would allow the regulated community and those that will be enforcing the regulation to know what is expected of them be included in this subsection.

Subsection (b) Phase 2 outdoor wood-fired boiler.

This subsection states that only Phase 2 OWBs may be sold or purchased in this Commonwealth. How will this provision be administered if real estate is sold that includes a non-Phase 2 OWB?

Subsection (c) Setback requirements for Phase 2 outdoor wood-fired boilers.

Under this subsection, a Phase 2 OWB must be installed a minimum of 150 feet from the nearest property line. We have two concerns. First, since Phase 2 OWBs are cleaner burning devices than existing OWBs, what is the need for such a significant setback requirement? Second, why does this provision use the phrase "nearest property line"? We note that the stack height requirements in Subsection (d)(2) are imposed on Phase 2 OWBs within 150 feet of a *residence*, not a property line. As recommended by several commentators, we suggest that the setback be a function of distance to the nearest residence, not property line.

Subsection (d) Stack height requirements for Phase 2 outdoor wood-fired boilers.

This subsection mandates certain stack height requirements for Phase 2 OWBs. Similar to our concern above, since these devices are cleaner burning, what is the need for these requirements?

In addition, how can the Board ensure that the effectiveness of the Phase 2 OWBs will not be affected by the stack height requirements? What evidence does the Board have to show that this requirement is reasonable? We have a similar concern with Subsection (e), pertaining to stack height requirements for existing OWBs.

Finally, Subsection (d)(2) requires a Phase 2 OWB stack to extend two feet above the highest peak of the highest residence located within 150 feet of that device. If a person currently owns or installs a Phase 2 OWB that is in compliance with this provision and a neighbor builds a residence within that 150 foot radius that makes the Phase 2 OWB non-compliant, how will this be resolved? We have a similar concern with Subsection (e)(1)(ii).

Subsection (f) Allowed fuels.

How would a person obtain approval from the DEP to use a fuel other than the fuels listed in this subsection? The process for obtaining this approval should be included in the final-form regulation.

Subsection (i) Written notice.

This subsection requires a distributor, seller or lessor of an OWB to provide the prospective buyer or lessee with a copy of the regulation and a written notice that includes six pieces of information. We have five concerns. First, similar to a concern noted above, does this subsection apply to the sale or lease of real estate on which an OWB is located?

Second, does this subsection apply to isolated sales between two private individuals?

Third, Subsection (1)(i) requires "acknowledgement" that the buyer was provided a copy of regulation. Would a verbal acknowledgement satisfy the requirement of this subsection? If a written acknowledgement is required, it should be included in the final-form regulation.

Fourth, what is the need for Subsection (1)(ii)? Since the buyer will be receiving a copy of the regulation which specifically lists allowed fuels, providing that list again via the written notice is redundant. We have similar concerns with Subsections (1)(iii) and (1)(iv).

Fifth, Subsection (1)(vi) states the following:

A written statement that the stack height and setback requirements provided under this section may not be adequate in some areas of this Commonwealth due to terrain that could render the operation of the outdoor wood-fired boiler a nuisance or public health hazard.

We question what this provision means and how it will be applied to the regulated community. Is the Board implying that compliance with this regulation could still lead to some sort of fine, penalty or corrective action? The Board needs to explain its intent for including this provision in the written notice.

Subsection (j) Recordkeeping requirements.

If real estate transfers and isolated sales between individuals require the written notices referenced in Subsection (i), will the requirements of this subsection be applicable to those that sell real estate with an OWB or a private party that sells an OWB?

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**Environmental Quality Board
Regulation #7-446 (IRRC #2806)**

Wastewater Treatment Requirements

March 15, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the November 7, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (Act) (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

Section 95.10. Effluent standards for new discharges of wastewaters containing high Total Dissolved Solids (TDSs) concentrations.

This proposed regulation consists of amendments to an existing section and the addition of the new Section 95.10 on total dissolved solids (TDSs), which contains four subsections. Instead of focusing on individual subsections, the following paragraphs will identify issues, questions and concerns based on specific criteria in the Act.

Economic or fiscal impacts of the regulation (71 P. S. § 745.5b(b)(1))

Several commentators have expressed serious concerns regarding the costs imposed by this proposed regulation. Compliance with the proposed regulation will require a significant investment in upfront capital costs for new technology and equipment. In addition, there will be significant ongoing operation and maintenance costs as well as treatment, transportation and disposal costs for residual wastes produced via TDS treatment processes.

For example, the Pennsylvania Coal Association (PCA) provided estimates for the bituminous coal mining industry. For this industry in Pennsylvania, the PCA estimates that capital costs would be \$1.325 billion and the annual operation and maintenance costs would be approximately \$133 million. These estimates do not include other costs such as land acquisition, site development and utility extensions.

Another example was provided by the Electric Power Generation Association included the following figures in its comments:

Recent estimates developed for treatment of wastewater from power plant air pollution control equipment exceeded \$60 million in construction costs, over \$6 million dollars in annual operation and maintenance costs, consumed over 50,000 cubic yards of landfill space per year and consumed all of the 400 gpm of wastewater flow. This example of evaporative technologies also will require 4,000 kilowatt hours to operate, or up to 35 million kilowatt hours of electric energy per year.

A variety of other organizations from the private and public sectors raised similar concerns regarding costs.

In contrast to the potential costs of compliance, the EQB provides no detailed information regarding the potential benefits of the proposed regulation. In addition, neither the Preamble nor Regulatory Analysis Form (RAF) provides any background information on how the EQB and Department of Environmental Protection (DEP) developed their estimates for the costs of this proposed regulation.

Section 5(a)(5) of the Clean Streams Law requires that when the EQB adopts regulations, it must consider “the immediate and long-range economic impact upon the Commonwealth and its citizens.” See 35 P. S. § 691.5(a)(5). The EQB needs to demonstrate that it fully considered the potential costs of complying with the regulation. The EQB should submit a detailed fiscal impact study with the final-form regulation.

Adverse effects on prices of goods and services, productivity or competition (71 P. S. § 745.5b(b)(1)(ii))

On page seven of the RAF, the EQB’s response to questions about other states and competition focused on “gas drilling operations.” The Pennsylvania Chemical Industry Council and other commentators are concerned about the ability of different industries to compete with similar operations in other states. They indicate that the proposed regulation will put them at a serious disadvantage because competitors in neighboring states will not be required to comply with similar TDS requirements by State or Federal regulation.

Based on the correspondence received, a wide variety of industries and businesses could be subject to the requirements of this proposed regulation. Many have competitors in neighboring states. Others have plants and facilities in other states and may shift operations to other states where compliance costs would be less. The EQB needs to give serious consideration to whether the proposed regulation will have adverse impacts on businesses, industries and the economy in Pennsylvania. The EQB should report its detailed findings on this issue with its final-form submittal.

Protection of the public health, safety and welfare and the effect on this Commonwealth’s natural resources (71 P. S. § 745.5b(b)(2))

The Preamble refers to the potentially detrimental impact of TDS on aquatic life and drinking water, and bromide concentrations and risks of bladder cancer. However, page three of the DEP’s “Permitting Strategy for High Total Dissolved Solids (TDS) Wastewater Discharges” (April 11, 2009), includes the following statements:

In addition to protection of aquatic life uses, TDS and chlorides are secondary contaminants under Pennsylvania's safe drinking water program. Adverse affects (sic) of secondary contaminants are usually related to taste and odor. Although water with TDS and chloride levels greater than the standards may have the potential to cause health affects, no reliable data exist currently that support this and no health-based (primary contaminant) standard will be proposed at this time.

See link at: http://files.dep.state.pa.us/Water/Wastewater%20Management/WastewaterPortalFiles/MarcellusShaleWastewaterPartnership/high_tds_wastewater_strategy_041109.pdf

Given the admission of "no reliable data," there is confusion and considerable uncertainty as to whether this proposed regulation will create any benefits related to public health and safety. In contrast, commentators indicate that compliance with the regulation may have detrimental impacts on our natural resources and public health.

The technology for treating TDS requires significant amounts of electricity or natural gas. The use of these energy resources will lead to increased production of air pollution and "greenhouse gases." In addition, TDS treatment processes produce large amounts of wastes that must be transported for disposal. This is more energy consumption with adverse impacts on the environment. Do the benefits of TDS treatment outweigh its potential impact on air quality and public health? The EQB needs to explain the need for and benefits derived from reducing TDS in discharges.

On the question of protecting the quality of drinking water, commentators point to evidence that the situation on the Monongahela River has improved, and have not found any substantive records of public water supply systems experiencing serious problems with TDS. The EQB needs to document the extent and severity of the problem before imposing a new and potentially costly regulation on the businesses and industries of Pennsylvania. This documentation should be included when the final-form regulation is submitted.

Clarity, feasibility and reasonableness of the regulation (71 P. S. § 745.5b(b)(3))

Several commentators expressed concerns with the language used in the proposed regulation. For example, Section 95.10(a) includes this statement: "The term 'new discharge' includes an additional discharge, an expanded discharge or an increased discharge from a facility in existence prior to April 1, 2009."

Commentators are uncertain what will be included as "an additional discharge, an expanded discharge or an increased discharge" and when they will be required to comply. One example of confusion includes drainage from old coal mining areas. Companies that might be interested in reclamation projects in these areas may be deterred from investing in such projects if there is a likelihood that any temporary additional discharge they may cause will need to be treated for TDS as required by this regulation. If, as commentators claim, existing drainage from abandoned mines is a major factor in elevated TDS levels in Pennsylvania streams, any hindrance of reclamation by this regulation might prolong the problem rather than solve it. This subsection needs to be revised in the final-form regulation to clearly establish the EQB's intent.

Another concern is that this regulation will become effective upon publication as a final rule in the *Pennsylvania Bulletin*. In the Preamble, the EQB states that its goal is to implement these requirements in January 2011. Several commentators questioned the feasibility of this deadline. They contend that many industries will need more than a few months to acquire and develop the necessary land and equipment to treat the water they discharge. In addition, commentators question the effectiveness of the available treatment technologies. They assert that additional time is needed to design and test systems in order to ascertain the most suitable and effective options for treatment. The EQB should consider providing some type of grace period to give industries more time to obtain the capital necessary to develop, design and build new treatment facilities for removing TDS from the water.

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

Commentators, including a bipartisan group of legislators, raise concerns about the data used to justify the imposition of this proposed regulation. Some commentators provided documentation that indicates that the problems cited by DEP on the Monongahela River in 2008 may represent periodic episodes in the history of these watersheds rather than a new, significant and permanent degradation. Therefore, there are serious questions regarding the extent of any problem, and the need for this regulation.

Questions are also being raised about the actual sources of TDS problems. Overall, there are questions in two basic areas. First, do TDS pose a significant problem that needs to be addressed by a Statewide regulation? Second, will the proposed regulation actually solve the problem or are there less expensive solutions, such as reclamation of abandoned mining areas, which will address actual sources of the problem? Another approach would be to study and address the unique circumstances posed by each watershed or region. The uniform standard in the proposal may not be necessary Statewide. The EQB needs to review and address these questions.

On July 15, 2009, DEP's Water Resources Advisory Committee (WRAC) voted to recommend that DEP not proceed with this proposed rule and that DEP "work in conjunction with WRAC to form a Statewide stakeholders group to analyze the issues and develop appropriate solutions." The Majority and Minority Chairs of the House and Senate Environmental Resources and Energy Committees submitted a joint letter, dated July 14, 2009, to the EQB and DEP recommending the use of a "stakeholder or task force approach" implemented via WRAC to develop an efficient and feasible plan for addressing TDS. A bipartisan group of Representatives, including the House Southwest Caucus, expressed similar concerns about the process in letters submitted in February 2010. DEP and EQB should work closely with WRAC and all stakeholders to resolve outstanding questions, address remaining concerns, and identify effective, efficient, feasible and economically viable solutions before submitting the final-form regulation.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-568. Filed for public inspection March 26, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 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.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-6315	State Board of Psychology Qualifications	3/11/10	4/22/10
16A-5723	State Board of Veterinary Medicine Biennial Renewal Fees	3/11/10	4/22/10
14-513	Department of Public Welfare Family Violence and TANF and GA; and Support From Relatives Not Living With the Client	3/11/10	4/22/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-569. Filed for public inspection March 26, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Caring Heart Rehabilitation and Nursing Center, Inc.

Caring Heart Rehabilitation and Nursing Center, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Caring Heart Rehabilitation and Nursing Center, Inc. in Philadelphia, PA. The initial filing was received on March 3, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of 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 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. 10-570. Filed for public inspection March 26, 2010, 9:00 a.m.]

Liberty Mutual Fire Insurance Company and The First Liberty Insurance Corporation; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On March 11, 2010, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company (LMFIC) and The First Liberty Insurance Corporation (TFLIC) a filing for rate level changes for private passenger automobile insurance.

LMFIC and TFLIC request overall increases of 7.5% and 7.3%, respectively, amounting to annual increases of \$7 million and \$11.3 million, respectively, to be effective July 1, 2010, for new business and August 5, 2010, for renewal business.

Unless formal administrative action is taken prior to May 10, 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. On the “At a Glance” tab, click on the link “Current Rate Filings.”

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-571. Filed for public inspection March 26, 2010, 9:00 a.m.]

Request for Comments; Export List of Insurance Coverages

The Insurance Commissioner (Commissioner) published a notice at 40 Pa.B. 686 (January 30, 2010) soliciting comments to the export list published at 39 Pa.B. 2511 (May 16, 2009). Consideration was given to all comments received. The Commissioner proposes to amend the May 16, 2009, list to add the following:

- Bridge and Tunnel Contractors (liability only)
- Guides and Outfitters (liability only)

Persons wishing to comment on the Commissioner’s proposal are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period or a notice will be published stating that the May 16, 2009, list remains in effect.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-572. Filed for public inspection March 26, 2010, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board Lease seeks the following new sites:

Bucks County, Warehouse Center (New Warehouse Facility), Bucks County and Southern Bucks County, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 10,000 net useable square feet of new or existing warehouse preferably "Flex Space" located in Bucks County and Southern Bucks County, PA. Must have access for tractor-trailer delivery and have at lease one loading dock for exclusive use.

Proposals due: April 16, 2010, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 7114 Ridge Avenue, Philadelphia, PA 19128-3250
Contact: James Bradley, Jr., (215) 482-9670

Dauphin County, Office/Training Facility (New Facility), Susquehanna Township, PA Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,100 to 3,400 net useable square feet of new or existing commercial space for use as an office and/or training facility located in Susquehanna Township, PA area in Dauphin County. Site must have adequate rest rooms, parking and access to major road routes.

Proposals due: April 16, 2010, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

Lackawanna County/Luzerne County, Warehouse Center (New Warehouse Facility), Scranton/Wilkes-Barre, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 10,000 net useable square feet of new or existing warehouse preferably "Flex Space" located in the Scranton/Wilkes-Barre area, Lackawanna County and Luzerne County, PA. Must have access for tractor-trailer delivery and have at lease one loading dock for exclusive use.

Proposals due: April 16, 2010, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Ondo, (717) 657-4228

Lehigh County, Warehouse Center (New Warehouse Facility), Lehigh Valley, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 10,000 net useable square feet of new or existing warehouse preferably "Flex Space" located in Lehigh Valley, Lehigh County, PA. Must have access for tractor-trailer delivery and have at lease one loading dock for exclusive use.

Proposals due: April 16, 2010, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

Luzerne County, Office/Training Facility (New Facility), Wilkes-Barre, PA Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,200 to 2,700 net useable square feet of new or existing commercial space for use as an office and/or training facility located in Wilkes-Barre, PA area in Luzerne County. Site must have easy access to the Interstate 81 corridor and free parking approximately 20 cars is required.

Proposals due: April 16, 2010, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Ondo, (717) 657-4228

Washington County, Warehouse Center (New Warehouse Facility), Washington County and Northern Washington County, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 10,000 net useable square feet of new or existing warehouse space preferably "Flex Space" located in Washington County and Northern Washington County, PA. Must have access for tractor-trailer delivery and have at lease one loading dock for exclusive use.

Proposals due: April 16, 2010, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 158 Purity Road, Suite B, Pittsburgh, PA 15235-4441
Contact: Bruce VanDyke, Jr., (412) 723-0124

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 10-573. Filed for public inspection March 26, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service

A-2010-2164067. Columbia Gas of Pennsylvania. Application of Columbia Gas of Pennsylvania for approval of the abandonment of gas service to one residential gas service customer located in Uniontown, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 12, 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: Columbia Gas of Pennsylvania

Through and By Counsel: Theodore J. Gallagher, Senior Counsel, NiSource, Southpointe Industrial Park, 501 Technology Drive, Canonsburg, PA 15317

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-574. Filed for public inspection March 26, 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 April 12, 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.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2010-2162488. Haines Transportation Services, Inc. (3501A Pottsville Pike, Reading, PA 19605) a corporation of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Lebanon, Chester, Montgomery and Lancaster, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2010-2163391. Nagi Transportation, Inc. (1405 West Pike Street, Philadelphia, PA 19140)—a corporation of the Commonwealth—persons, in paratransit service, limited to service from residential care and healthcare facilities, in the City and County of Philadelphia.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods as described under the application.

A-2010-2163372. Ramsey's Moving Systems, LLC (4 Man-O-War Drive, Media, Delaware County, PA 19063)—a limited liability corporation of the Commonwealth for amendment to its common carrier certificate—household goods in use, from points in Philadelphia and Delaware Counties, to points in Pennsylvania, and vice versa: *So As To Permit* the transportation of household goods in use, from points in Chester and Montgomery Counties, excluding the municipalities of Coatesville, Pottstown and Lansdale, to points in Pennsylvania, and vice versa.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Triangle Transport, Inc.;
Doc. No. C-2010-2047562

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 all authority issued to Triangle Transport, Inc. (respondent) is under suspension effective January 28, 2010, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 84 Harbor Drive, Jersey City, NJ 07305.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 5, 2006, at A-00122705.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c) and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00122705 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

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, 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 same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination 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 causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$500 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and 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 the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), by contacting the Compliance Office at (717) 787-1227.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-575. Filed for public inspection March 26, 2010, 9:00 a.m.]

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, April 15, 2010, at 11 a.m. in the Lehigh County Government Center, 17 South 7th Street, Allentown, PA.

Directions and Parking:

Take Route 22 to 7th Street Center City Exit. Follow 7th Street South into Allentown. The Government Center will be on the immediate left, just past the Center Square Monument at the intersection of Hamilton and 7th Streets.

There is meter parking on 7th Street or parking is available at any of the public parking places. There is a pay-to-park lot located across from the Government Center on 7th Street. Contact Joan Lorenz at (610) 782-3009 with any questions.

RONALD NAPLES,
Chairperson

[Pa.B. Doc. No. 10-576. Filed for public inspection March 26, 2010, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts. The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

May 12, 2010	Carolyn M. Petka (Effective Date of Retirement)	1 p.m.
May 26, 2010	Carolyn S. Ryan (Purchase of Service)	1 p.m.
June 2, 2010	Ross A. Scarantino (Pension Foreiture)	1 p.m.
June 30, 2010	Frank E. Basehoar (Account Adjustment)	1 p.m.

Persons with a disability wishing to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Barbara Flurie, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 10-577. Filed for public inspection March 26, 2010, 9:00 a.m.]