

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, May 5, 2010. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of a presentation on the Commonwealth's Total Dissolved Solids (TDS) Strategy by a representative of the Department of Environmental Protection and a presentation on the Delaware River Valley Early Warning System by a representative of the Philadelphia Water Department.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Cabot Corporation, D-1970-072-4*. An application for the renewal of an existing 0.222 million gallons per day (mgd) discharge from Outfalls Nos. 001 (process wastewater and noncontact cooling water (NCCW)), 002 (stormwater, condensate and NCCW) and 003 (process water treatment system wastewater). The project is located on Swamp Creek at River Mile 92.47—32.3—12.9—12.6 (Delaware River—Schuylkill River—Perkiomen Creek—Swamp Creek), on the border of Douglass Township, Montgomery County, PA and Colebrookdale Township, Berks County, PA.

2. *Gilbertsville Golf Club, D-1999-047-2*. The purpose of this project is to continue to provide up to 12 million gallons per 30 days (mg/30 days) of water for golf course irrigation from existing Wells Nos. 2, 9 and 13, which were installed in the Brunswick Formation. The docket holder augments two ponds from the existing groundwater wells to satisfy the irrigation water demand for the docket holder's golf course. The project is located in the Minster Creek Watershed in the New Hanover Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area (GWPA).

3. *Womelsdorf Sewer Authority, D-1967-084 CP-2*. An application to approve an expansion of the existing Womelsdorf Sewer Authority Wastewater Treatment Plant (WWTP). The WWTP was expanded in 2000 from 0.3 million mgd to 0.475 mgd; however this expansion was never approved by the Commission. The WWTP will continue to discharge to the Tulpehocken Creek, a tributary to the Schuylkill River. The facility is located in Heidelberg Township, Berks County, PA.

4. *Morysville, D-1973-060 CP-2*. An application for approval to increase the Morysville WWTP discharge from 0.25 mgd to 0.32 mgd. The hydraulic design capacity of 0.38 mgd will not be modified. The project will continue

to discharge to Ironstone Creek at River Mile 92.47—54.15—4.0—4.1 (Delaware River—Schuylkill River—Manatawny Creek—Ironstone Creek), in Colebrookdale Township, Berks County, PA.

5. *North Wales Water Authority, D-1986-020 CP-2*. An application for approval of a modification of the North Wales Water Authority WWTP. The applicant proposes to upgrade the existing 0.835 mgd WWTP to include the addition of an activated sludge unit and a chemical feed system. The project includes the transfer of ownership from North Wales Borough to the North Wales Water Authority. The WWTP's hydraulic design rate of 0.835 mgd will remain unchanged. The WWTP will continue to discharge to an unnamed tributary of the Wissahickon Creek, which is a tributary of the Schuylkill River. The facility is located in Upper Gwynedd Township, Montgomery County, PA.

6. *Township of Spring, D-1988-077 CP-2*. An application for approval of the expansion of the Spring Township WWTP. A 1.0 mgd oxidation ditch treatment system utilizing a fixed film contact aeration (packed bed reactor) system is proposed to be added to the existing 1.28 mgd WWTP to expand the plant's hydraulic design capacity from 1.28 mgd to 2.28 mgd. The average annual flow of the expanded plant will be 2.0 mgd. The WWTP will continue to discharge to Cacoosing Creek, a tributary of Tulpehocken Creek, which is a tributary of the Schuylkill River. The facility is located in the Township of Spring, Berks County, PA.

7. *Hilltown Township Water and Sewer Authority, D-1992-020 CP-3*. An application for the renewal of a groundwater withdrawal project to continue the withdrawal of 16.0 mg/30 days to supply the applicant's public water supply system from existing Wells Nos. 2 and 5 and new Well No. 1A. New Well No. 1A was drilled as a replacement well for Well No. 1, which was abandoned due to a casing failure. The applicant requests that the withdrawal from New Well No. 1A be limited to 9.60 mg/30 days. The project is located in the Brunswick and Lockatong Formations in the Pleasant Spring Creek Watershed in Hilltown Township, Bucks County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

8. *Lyons Borough Municipal Authority, D-1994-080 CP-2*. An application for approval to expand and upgrade the Lyons Borough Municipal Authority WWTP. The hydraulic design flow will increase from 0.2 mgd to 0.3 mgd, and modifications will include the construction of two equalization tanks, a package aeration unit, three gravity filters, an ultra-violet (UV) light disinfection system, a post-aeration tank, a screw press for sludge dewatering, chemical feed systems and a filtration building. The project also includes a request for an increase from 1,000 milligrams per liter (mg/l) to 2,000 mg/l in the Total Dissolved Solids (TDS) effluent limit for the upgraded WWTP. The increase in flow and TDS is anticipated as a result of proposed acceptance of an additional 0.10 mgd of industrial process water from East Penn Manufacturing Company, an industrial wastewater discharger to the WWTP. The WWTP will continue to discharge to Sacony Creek, a tributary of the Maiden Creek, which is a tributary of the Schuylkill River. The project is located in the Borough of Lyons Township, Berks County, PA.

9. *Lower Providence Township Municipal Authority D-1999-021 CP-2.* An application for the renewal of a groundwater withdrawal project to supply up to 3.3 mg/30 days of water to the applicant's golf course from existing Wells Nos. 1 and 2 in the Stockton Formation. The total allocation of groundwater is based on actual metered data and is an increase from the existing allocation of 2.27 mg/30 days. The project is located in the Mine Run and Schuylkill River Watersheds in Lower Providence Township, Montgomery County, PA in the Southeastern Pennsylvania Ground Water Protected Area.

10. *Maidencreek Township Authority, D-2000-028 CP-2.* An application for approval to increase the TDS effluent limit for the Maidencreek WWTP from 1,000 mg/l to 1,500 mg/l. The proposed increase in TDS is a result of additional industrial process water proposed to be discharged to the plant by James Hardie Building Products, an existing industrial wastewater discharger. The average annual flow of the existing WWTP will remain at 0.8 mgd. The plant is hydraulically designed for 1.0 mgd. The WWTP will continue to discharge to Willow Creek, a tributary of Maiden Creek, which is a tributary of the Schuylkill River. The project is located in Ontelaunee Township, Berks County, PA.

11. *East Vincent Municipal Authority, D-2005-007 CP-1.* An application to rerate a 48,800 gallons per day (gpd) sewage treatment plant (STP) to process a maximum monthly flow of 52,800 gpd, while continuing to provide tertiary treatment. The project will continue to serve flows from the built-out residential development known as Bartons Meadows in East Vincent Township, Chester County, PA. The additional 4,000 gpd is needed to handle wet weather related flows due to inflow and infiltration. Following ultraviolet light disinfection, STP effluent will continue to be discharged to subsurface seepage beds in the drainage area of French Creek. The project is located in the Commission Southeastern Pennsylvania Ground Water Protected Area and the Schuylkill River Watershed, off of Sheeder Road just north of its intersection with Pughtown Road.

12. *Upper Makefield Township, D-2007-025 CP-2.* An application for approval of expansion of the Upper Makefield Township Gray Tract WWTP, which was previously approved but not constructed. The applicant seeks approval to expand the proposed plant from the previously approved 20,000 gpd to 55,550 gpd to accommodate an additional service area consisting of the portions of the Melksy Farm and White Farm subdivisions located in Upper Makefield Township. The hydraulic design capacity of the proposed WWTP is to be 70,000 gpd. The WWTP is proposed to discharge to Houghs Creek rather than to the previously-approved location on an unnamed tributary of Houghs Creek. The project is to be located in the Houghs Creek Watershed in Upper Makefield Township, Bucks County, PA, and is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

13. *Artesian Water Company, Inc. D-2007-042 CP-1.* An application for approval of a groundwater withdrawal project to supply up to 25.8 mg/30 days of water to the applicant's public water supply distribution system from new Wells Nos. PW-1 and PW-2 in the Weatherstone

Crossing wellfield. The project is located in the Frederica Formation in the Murderkill River Watershed in Kent County, DE.

14. *Arcelor Mittal Plate, LLC, D-2008-036-1.* An application for approval of an existing surface water and spring water withdrawal of up to 105.8 mg/30 days. The Arcelor Mittal Plate industrial facility withdraws surface water from two intakes and one spring source (West Side Spring). Intake No. 1 is located on the West Branch Brandywine Creek and Intake No. 2 is located on Sucker Run, a tributary of the West Branch Brandywine Creek. The facility is located in the City of Coatesville in Chester County, PA.

15. *Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station, D-2009-003 CP-1.* An application for approval of an existing surface water withdrawal of 1,080 mg/30 days. The existing Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station currently withdraws surface water from the Philadelphia Navy Reserve Basin, which is connected by a channel and tidally-linked to the Schuylkill River one-half mile upstream of the confluence of the Schuylkill River with the Delaware River. The surface water withdrawal is used for noncontact cooling water. The facility is located in the City of Philadelphia, PA.

16. *Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station, D-2009-004 CP-1.* An application to approve an existing noncontact cooling water (NCCW) discharge to the Navy Reserve Basin (Outfall 001) and an existing discharge of process water directly to the Delaware River within Water Quality Zone 4 (Outfall 005). The existing discharges have not been approved by the Commission. The discharge of NCCW from Outfall 001 will increase from 24.0 mgd (existing) to 36.0 mgd as a result of the proposed P-205 Electric Test Drive project and Outfall No. 005 will remain at 0.60 mgd. The Navy Reserve Basin is connected by a channel and tidally-linked to the Schuylkill River one-half mile upstream of the confluence of the Schuylkill River with the Delaware River. The facility is located in the Schuylkill River Watershed in the City of Philadelphia, PA.

17. *Village of Fleischmanns, D-2009-008 CP-1.* An application for approval of a groundwater withdrawal project to supply up to 9.75 mg/30 days of water to the applicant's public water supply system from existing Wells Nos. 2 and 4, rehabilitated Well No. 3, new Well No. 5, and existing Springs Nos. 3, 4 and 5. The allocation is requested to meet existing and projected demands in the project service area. The project is located in the Lower Walter Formation in the Bush Kill Watershed in the Village of Fleischmanns, Delaware County, NY. The site is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

18. *Elwood P. Carey, D-2009-028-1.* An application for approval of an existing groundwater withdrawal project to supply a maximum of 10.8 mg/30 days of water for the applicant's irrigation of approximately 86 acres of corn, soybean and wheat crops. The project well (Well No. 1) is located in the Cheswold Aquifer in the Leipsic River Watershed in Kent County, DE.

19. *State of Delaware Parks and Recreation, D-2009-034 CP-1*. An application to approve an existing surface and groundwater withdrawal of up to 14.0 million gallons per 30 days (mg/30 days) of water for the irrigation of the docket holder's golf course from one existing surface water intake (Intake No. 1) located on an irrigation pond and one existing groundwater production well (Well No. 1). The allocation limits the withdrawal to 7.0 mg/30 days, with a daily restriction of 403,000 gallons per day (gpd) for each source. The project well is located in the Cheswold Formation, and the surface water withdrawal is from a pond located on an unnamed tributary of the Leipsic River in Kent County, DE.

20. *Deb-El Food Products, D-2009-036-1*. An application for approval to construct a 0.05 mgd industrial wastewater treatment plant (IWTP) that will discharge to the Neversink River at River Mile 253.64—28.7 (Delaware River—Neversink River) in the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters. The IWTP is located in the Town of Thompson, Sullivan County, NY.

21. *Arcelor Mittal Plate, LLC—Conshohocken, D-2009-039-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 12.96 mg/30 days of groundwater and 45 mg/30 days of surface water to the applicant's industrial process from the existing Q&T Well and existing surface water intake, respectively. The surface water allocation is based on projected peak demands and is less than the requested allocation of surface water. Surface water will be withdrawn from the Schuylkill River in the Schuylkill-Crow Creek Watershed. The well is located in the Elbrook Formation in the Schuylkill-Crow Creek Watershed in Plymouth Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

22. *Village of Buckingham Springs, D-2009-040 CP-1*. An application for approval of an existing 0.1 mgd discharge from the Village of Buckingham Springs (VBS) WWTP. The VBS WWTP will continue to discharge to Mill Creek at River Mile 115.63—23.39—4.95 (Delaware River—Neshaminy Creek—Mill Creek). The VBS WWTP is located in Buckingham Township, Bucks County, PA.

23. *Tobyhanna Army Depot, D-2009-041 CP-1*. An application for approval to modify the treatment process of the existing 0.802 mgd Tobyhanna Army Depot WWTP. The discharge is located at River Mile 183.66—83.5—26.4—1.82 (Delaware River—Lehigh River—Tobyhanna Creek—UNT) within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The WWTP is located in Coolbaugh Township, Monroe County, PA.

24. *Cedar Glen Lakes Water Company, D-2009-046 CP*. An application for approval of a groundwater withdrawal project to supply up to 7.8 mg/30 days of water to the applicant's public supply distribution system from existing Well No. 2. The project is located in the Kirkwood-Cohansey Formation in the Rancocas Creek Watershed in Manchester Township, Ocean County, NJ.

25. *New Jersey American Water Company—New Egypt System, D-2009-050 CP-1*. An application for approval of

an existing groundwater withdrawal project to supply up to 5.0 mg/30 days of water to the applicant's public water supply system from existing Wells Nos. 1A and 2, which were not previously reviewed by the Commission. The project wells are located in the Englishtown Aquifer in the Crosswicks Creek Watershed in Plumsted Township, Ocean County, NJ.

26. *Kinsley Group Family, LP—Kinsley Shopping Center, D-2010-005-1*. An application for approval to construct and operate the 20,000 gpd Kinsley Shopping Center (KSC) WWTP. Effluent limits for the KSC WWTP will be based upon a 17,770 gpd discharge, the expected 2015 year discharge flow. The WWTP will be located in the Lower SPW drainage area and will discharge to ten (five primary and five reserve) onsite seepage beds in the Weir Creek Watershed near River Mile 183.66—40.88—6.30—6.51—7.40—2.40 (Delaware River—Lehigh River—Pohopoco Creek—Beltzville Reservoir—Pohopoco Creek—Weir Creek) in Chestnuthill Township, Monroe County, PA.

In addition to the standard business meeting items, including adoption of the Minutes of the Commission's March 3, 2010, business meeting; announcements of upcoming meetings and events of interest; a report on hydrologic conditions; a report by the Executive Director; and a report by the Commission's General Counsel, the business meeting will include public hearings and consideration by the Commission of resolutions approving: (a) the Commission's Fiscal Year (FY) 2010-2015 Water Resources Program; and (b) election of the Commission Chair, Vice-Chair and Second-Vice Chair for FY 2011. In addition, the Commissioners will consider adoption of the Commission FY 2011 operating and capital budgets, on which a hearing was conducted during the December 9, 2009, business meeting. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on May 5, 2010, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

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

PAMELA M. BUSH, Esq.,  
Secretary

[Pa.B. Doc. No. 10-724. Filed for public inspection April 23, 2010, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 6, 2010.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-31-2010	Marc D. Lewis, Melvin W. Lewis, and the Lewis family	Filed
	Application for approval to acquire, in the aggregate, up to 18.2% of the common stock of Woodlands Financial Services Company, Williamsport.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-30-2010	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny Valley	333 Allegheny Avenue Oakmont Allegheny County	Authorization Surrendered
4-2-2010	Northwest Savings Bank Warren Warren County	275 Meadow Drive North Tonawanda Niagara County, NY	Filed
4-2-2010	York Traditions Bank York York County	2170 White Street York York County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-25-2010	Firsttrust Savings Bank Conshohocken Montgomery County	<i>To:</i> Butler Avenue and County Line Road Chalfont Bucks County  <i>From:</i> 4275 County Line Road Chalfont Bucks County	Authorization Surrendered

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-6-2010	Susquehanna Bank Lititz Lancaster County	100 Sterling Parkway Suite 100 Mechanicsburg Cumberland County (Limited Service Facility)	Approved

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Community Charter Conversions

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-25-2010	Norristown Bell Credit Union Blue Bell Montgomery County	Filed

The credit union proposes to amend Article 8 of its Articles of Incorporation to provide the following field of membership: "Persons who live, work, worship, volunteer, attend school in, and businesses and other legal entities located in Montgomery County in the Commonwealth of Pennsylvania."

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-725. Filed for public inspection April 23, 2010, 9:00 a.m.]

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 13, 2010.

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

## BANKING INSTITUTIONS

## Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-1-2010	Drexel Morgan & Co. Holdings Radnor Delaware County Acquisition of 100% of The Haverford Trust Company, Radnor.	Effective

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-9-2010	Susquehanna Bank Lititz Lancaster County	5002 Lincoln Drive West Eversham Township Burlington County, NJ	Filed
4-9-2010	Somerset Trust Company Somerset Somerset County	1739 Lyter Drive Johnstown Cambria County	Approved
4-12-2010	Graystone Tower Bank Lancaster Lancaster County	830 North U.S. Highway 15 Dillsburg York County	Opened

## Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-9-2010	Susquehanna Bank Lititz Lancaster County	8000 Sagemore Drive Marlton Burlington County, NJ	Filed

## NOTICES

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-12-2010	Northwest Savings Bank Warren Warren County	5850 Meridian Road Gibsonia Allegheny County	Approved

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Branch Applications

## Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-9-2010	PPL GOLD Credit Union Allentown Lehigh County	<i>To:</i> 4703 Hamilton Boulevard Allentown Lehigh County  <i>From:</i> 827 Hausman Road Allentown Lehigh County	Approved

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-726. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2010

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of May, 2010, is 6 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.11 to which was added 2.50 percentage points for a total of 6.61 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-727. Filed for public inspection April 23, 2010, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater

associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0064386 (Industrial Waste)	Permittee: Allentown Terminals Corporation P. O. Box 2621 Harrisburg, PA 17105-2621	Lehigh County Allentown City	Lehigh River 02C	Y
	Facility location: Allentown Petroleum Storage Terminal 1134 North Quebec Street Allentown, PA 18103-1609			
PA0060674 (Sewage)	Camp Lee Mar 450 Route 590 Lackawaxen, PA 18435	Pike County Lackawaxen Township	Unnamed tributary to Lords Creek 1-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088552 (Sew)	Oakbrook Homeowners' Association of Elizabethtown 7 Oakbrook Lane Elizabethtown, PA 17022	Lancaster County West Donegal Township	UNT to Conewago 7-G	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0058161 (Sew)	Penn Sylvan Realty Corporation 5028 Camp Road Mohnton, PA 19540-7723	Berks County Brecknock Township	UNT Rock Run 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0009725 Industrial Wastewater	Jersey Shore Steel Company P. O. Box 5055 Jersey Shore, PA 17740	Clinton County Pine Creek Township	West Branch Susquehanna River SWP 9B	Y
PA0228150 (Industrial Waste)	Embassy Powdered Metals Airport Road Emporium, PA 15834	Cameron County Emporium Borough	Storm Drain to Driftwood Branch Sinnemahoning Creek SWP 8A	Y
NPDES Permit No.	Van Blarcom Farms and Country View Family Farms, LLC R. D. 2 Box 54A Columbia Cross Road, PA 16914	Bradford County Columbia Township	Wolfe Creek, unnamed tributary to North Branch Sugar Creek; Sugar and Towanda Creeks SWP 4C	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029378 (Sewage)	Hawthorn Elementary School 1306 Truittsburg Road Hawthorn, PA 16230	Clarion County Hawthorn Borough	Unnamed Tributary of Redbank Creek 17-C	Y
PA0102130 (Industrial Waste)	Evans City Borough WTP 204 B Jackson Street Evans City, PA 16033	Butler County Evans City Borough	Likens Run 20-C	Y

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

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

**PA0053244**, SEW, SIC 4952, **Charles Adcock, d/b/a The Valley Queen**, 13 Bennington Place, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 1,400 gpd of treated sewage into Houghs Creek.

The receiving stream, Houghs Creek, is in the State Water Plan watershed 2E and is classified for: warm water fishery. The nearest downstream public water supply intake for PA Water Company is located on the Delaware River and is 3.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,400 gpd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)		
(05-01 to 10-31)	8.0	16.0
(11-01 to 04-30)	20.0	40.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml; 1,000 #/100 ml	
Dissolved Oxygen	Minimum of 3.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

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

1. Responsible Operator.
2. Abandon STP.
3. Remedial Measures.



4. No Stormwater.
5. Necessary Property Rights.
6. Change of Ownership.
7. TRC Minimization.
8. Sewage Sludge Disposal.
9. I-Max Limits.
10. 2/Month Monitoring.
11. Lab. Certification.
12. Fecal Coliform—I-Max Reporting.

**PA0027421**, Sewage, SIC 4952, **Norristown Municipal Waste Authority**, 235 East Airy Street, 2nd Floor, Norristown, PA 19401. This facility is located in Norristown Municipality, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the Norristown Municipality STP to the Schuylkill River. The majority of the time, effluent is discharged only through Outfall 001. Discharge occurs at Outfall 002 only during periods of high influent flow.

A portion of the collection system is combined sanitary and stormwater, and there is one permitted combined sewer overflow, CSO 003, that discharges to Sawmill Run immediately upstream of its confluence with the Schuylkill River.

The receiving streams, the Schuylkill River and Sawmill Run, are in the State Water Plan watershed 3F and are classified for: warm water fishes, aquatic life, water supply and recreation. The Schuylkill River is also classified for migratory fishes. The nearest downstream public water supply intake for the City of Philadelphia is located on the Schuylkill River.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 9.75 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(05/01-10/31)	20	30		40
(11/01-04/30)	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(Issuance—Year 2)	20			40
(Year 3—Expiration):				
(05/01-10/31)	10			20
(11/01-04/30)	20			40
Fecal Coliform (col/100 ml)	200			1,000*
Dissolved Oxygen:				
(Issuance—Year 2)	Monitor			
(Year 3—Expiration)	4.0 Minimum			
	5.0 Average			
pH (Standard Units)	6.0 Minimum			9.0
Total Residual Chlorine	0.5			1.6
Total Phosphorus	Monitor			Monitor
Total Copper	Monitor		Monitor	
Total Lead	Monitor		Monitor	
Total Zinc	Monitor		Monitor	
Total Dissolved Solids	1,000			2,500

\* Not to exceed 1,000 col/100 ml in greater than 10% of the samples.

The proposed effluent limits for CSO Outfall 003 are based on an overflow event:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
NH <sub>3</sub> -N	Monitor		Monitor	
Fecal Coliform (col/100 ml)	Monitor		Monitor	
pH (Standard Units)	Monitor, Minimum			Monitor

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

1. Notification of Designation of Responsible Operator.
2. Average Weekly Definition.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.

6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Total Maximum Daily Load (TMDL)/WLA Analysis.
10. WETT at Renewal.
11. Instantaneous Maximum Limitations.
12. Operations and Maintenance Plan.
13. Laboratory Certification.
14. Operator Training.
15. Fecal Coliform Reporting.
16. Condition for Schuylkill River TMDL.
17. Operation and Implementation of a Pretreatment Program.
18. Unpermitted Discharges.
19. CSO Bypass Condition.
20. Bypass Condition for Facilities with High Flow Maintenance Plan.
21. Permit Condition for POTWs with Combined Sewer Overflows.

The EPA waiver is not in effect.

**PA0052353**, Sewage, **Buckingham Township**, 2380 Durham Road, P. O. Box 413, Buckingham, PA 18912. This facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a facility known as Buckingham Village WWTP. This is a seasonal discharge to Mill Creek, from November 1 to April 30. The discharge from this facility is diverted to offsite spray irrigation fields when not discharged to Mill Creek.

The receiving stream, Mill Creek (Stream Code 02596), is in the State Water Plan Watershed 2F and is classified for: CWF, MF. The nearest downstream public water supply intake for AQUA PA, Inc. is located on Neshaminy Creek at Oakford, PA.

The proposed effluent limits for Outfall 001 are based on a seasonal design flow of 236,000 gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30		40
Total Suspended Solids	30	45		60
Ammonia Nitrogen	10			20
Nitrite + Nitrate as N	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorus, Total				
first 36 months	Monitor/Report			
after 36 months	2.0			4.0
Total Residual Chlorine				
first 36 months	0.5			1.2
after 36 months	0.26			0.84
Fecal Coliform	200 #/100 ml as a Geometric Mean, nor greater than 1,000 #/100 ml in more than 10% of samples			
pH	Between 6.0 and 9.0 Standard Units at all times			
Dissolved Oxygen				
first 36 months		Minimum of 2.0 mg/l at all times		
after 36 months		Minimum of 3.0 mg/l at all times		

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

1. Designation of Responsible Operator.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sewers.
4. Necessary Property Rights.
5. Small Stream Discharge.
6. Optimize Chlorine Dosage.
7. Sewage Sludge Disposal.
8. Submit Data for TMDL/WLA Analysis.
9. I-Max Limits.
10. No Discharge Report.

11. Laboratory Certification.
12. Seasonal Stream Discharge.

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

**Application No. PA0082881**, Industrial Waste, SIC Code 335, **Alcoa, Inc.**, 201 Isabella Street, Pittsburgh, PA 15212. This facility is located in Lancaster City, **Lancaster County**.

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

The receiving stream, unnamed tributary to Little Conestoga Creek, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Holtwood Power Plant located on the Susquehanna River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.482 MGD are:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Tetrachloroethylene			0.002	0.003	0.004
Trichloroethylene			0.008	0.013	0.016

The final effluent limits for Outfall 002 based on a design flow of 0.482 MGD are:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Tetrachloroethylene			0.002	0.003	0.004
Trichloroethylene			0.008	0.013	0.016

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.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570-327-0532.*

**PA0040835**, Industrial Waste, SIC Code 0921, **Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. Facility Name: Bellefonte State Fish Hatchery. This existing facility is located in Benner Township, **Centre County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Industrial Waste through one outfall (001). The existing permit contains two outfalls (001 and 002). However, treatment upgrades at the facility have combined the two outfalls to one outfall (001). Therefore, this amendment is to change mass loading effluent limits with the new combined outfall 001. No other changes to the permit will be made.

The receiving stream(s), Spring Creek, is located in State Water Plan watershed 9-C and is classified for High Quality Waters-Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.056 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Dissolved Oxygen				Report		
CBOD <sub>5</sub>	294	588		5.0	10.0	12.5
Total Suspended Solids	353	706		6.0	12.0	15.0
Total Suspended Solids	Report Total Mo	Report Total Annual				
Nitrate-Nitrite as N				Report		
Nitrate-Nitrite as N	Report Total Mo					
Total Nitrogen				Report		

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Nitrogen	Report Total Mo	Report Total Annual				
Ammonia-Nitrogen (lbs/mo)	41	82		0.7	1.4	2.1
Ammonia-Nitrogen	Report Total Mo					
Total Kjeldahl Nitrogen	Report Total Mo			Report		
Total Kjeldahl Nitrogen	7.9	15.6		0.3	0.6	0.75
Dissolved Phosphorus				Report		
Total Phosphorus	Report Total Mo	Report Total Annual				
Total Phosphorus	59	118		1.0	2.0	2.5
Formaldehyde	Report Total Mo	Report Total Annual				
Total Particulate Organic Carbon				Report		
Particulate Organic Carbon						

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA waiver is not in effect.

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

**PA0216445**, Sewage, **Paradigm Aerospace Corporation (formerly Helicopter Aviation Services Corporation)**, 226 Airport Road, Mount Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Paradigm Aerospace Corporation Sewage Treatment Plant in Bullsken Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Jacobs 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 Westmoreland Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.002 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	10.0			20.0
Nov 1 to Apr 30	30.0			60.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0030457**, Sewage, **The Bauman Family Limited Partnership and Wilber Osterwise**, 100 Forbes Trail Drive, Export, PA 15632-9614. This application is for renewal of an NPDES permit to discharge treated sewage from Forbes Trail Park and Thorn Run Estates STP in Salem Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.031 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen				
May 1 to Oct 31	3.0			6.0
Nov 1 to Apr 30	9.0			18.0
Phosphorus	2			4
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
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.

**PA0217123**, Sewage, **Indiana County Municipal Service Authority**, 602 Kolter Drive, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Plumville STP in South Mahoning Township, **Indiana County**.

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

*Outfall 001*: existing discharge, design flow of 0.072 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	6.3			12.6
Nov 1 to Apr 30	18.9			37.8
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 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205931**, Sewage, **Menallen Township Sewer Authority**, 427 Searights Hebert Road, Uniontown, PA 15401-5137. This application is for renewal of an NPDES permit to discharge treated sewage from Upper Middletown Sewage Treatment Plant in Menallen Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Redstone 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 California Water Company on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.115 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0254282**, Sewage, **Donald and Joyce Wise**, 290 Sanitarium Road, Washington, PA 15301. This application is for issuance of an NPDES permit to discharge treated sewage from Wise SRSTP in Ambridge Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tenmile 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 Marianna Municipal Water Works.

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

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

The EPA waiver is in effect.

**PA0254002**, Sewage, **Target Drilling, Inc.**, 1112 Glacier Drive, Smithton, PA 15479. This application is for issuance of an NPDES permit to discharge treated sewage from Target Drilling Shop STP in Whiteley Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dyers Fork, 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 Masontown Municipal Water Works.

*Outfall 001*: new discharge, design flow of 0.0006 mgd.

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

The EPA waiver is in effect.

**PA0038806**, Sewage, **Forest Hills Municipal Authority**, 900 Locust Street, P. O. Box 337, St. Michael, PA 15951-0337. This application is for renewal of an NPDES permit to discharge treated sewage from Beautyline Park Sewage Treatment Plant in Adams Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Otto Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

*Outfall 001*: existing discharge, design flow of 0.1892 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 6710402**, Sewerage, **Exelon Generation Company, LLC, Peach Bottom Atomic Power Station**, 1848 Lay Road, Delta, PA 17314. This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation for: 1) the addition of a bypass on Equalization Tank "A" to support necessary maintenance; and 2) additional aeration equipment on the post aeration tank, to ensure compliance with the proposed NPDES permit dissolved oxygen limit.

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

**WQM Permit No. 0210402**, Sewerage, **Aleppo Township**, 100 North Drive, Suite 2, Sewickley, PA 15143. This proposed facility is located in Aleppo Township, **Allegheny County**.

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

The Pennsylvania Infrastructure Investment Authority (PennVest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. 2597201**, Industrial Waste, **Amendment No. 1, Albion Borough**, 26 Smock Avenue, Albion, PA 16401. This proposed facility is located in Albion Borough, **Erie County**.

Description of Proposed Action/Activity: An Industrial Waste Part II Water Quality Management permit to install a backwash water storage tank at the Gage Road Water Treatment Facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01461001	11th Fighter Wing PA Air National Guard 2164 McGuire Street Willow Grove ARS, PA 19090-5232	Montgomery	Horsham Township	Unnamed Tributary Park Creek WWF

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510003	Northampton Community College 3835 Green Pond Road Bethlehem, PA 18020	Monroe	Pocono Township	Tributary to Pocono Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025210003	Grey Towers National Historic Site Attn: Teri Cleeland P. O. Box 188 151 Grey Towers Drive Milford, PA 18337	Pike	Milford Township	Sawkill Creek EV, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105008-R	South Middleton School District 4 Forge Road Boiling Springs, PA 17007	Cumberland	South Middleton Township	Yellow Breeches HQ-CWF

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

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

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

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Future View Farms Jeff Frey 13 Radcliff Road Willow Street, PA 17584	Lancaster	550	558.30	Hogs/Sheep	NA	Renewal
<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Katzmaier Farms 251 Katzmaier Road Montoursville, PA 17754	Lycoming	159.9	348.25	Dairy	NA	Application
Rodney Lane 750 Woodard Road Harrison Valley, PA 16927	Potter	711.9	961.75	Dairy, Swine, Beef	NA	Application

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact



the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

**Application No. 4610509**, Public Water Supply.

Applicant **Borough of East Greenville**  
Township Upper Hanover  
County **Montgomery**  
Responsible Official Jennifer Boyer  
206 Main Street  
East Greenville, PA 18041

Type of Facility PWS  
Consulting Engineer Cowan Associates, Inc.  
120 Penn-Am Drive  
Quakertown, PA 18951

Application Received Date March 12, 2010

Description of Action Replacement of existing filter surface wash system with an air scour system and replacement of the filter media.

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

**Application No. 4510501**, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**  
410 Stokes Avenue  
East Stroudsburg, PA

Township or Borough Stroud Township  
**Monroe County**

Responsible Official Kenneth Brown  
Manager

Type of Facility Public Water System  
Consulting Engineer RKR Hess Associates, Inc.  
961 Marcon Boulevard  
Allentown, PA

Application Received Date 3/19/10

Description of Action The construction of a well water transmission line, replacement of booster pumps, and the modification of chemical feed systems.

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

**Permit No. 0410503**, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**  
1425 8th Avenue  
P. O. Box 400  
Beaver Falls, PA 15010

Township or Borough Eastvale Borough

Responsible Official James Riggio  
General Manager  
Beaver Falls Municipal Authority  
1425 8th Avenue  
P. O. Box 400  
Beaver Falls, PA 15010

Type of Facility Water treatment plant

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

Application Received Date April 6, 2010

Description of Action Installation of chemical feed equipment for the addition of chloramines (chloramination).

### MINOR AMENDMENT

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

**Application No. 5410502MA**, Minor Amendment.

Applicant **The Municipal Authority of the Township of Blythe**  
375 Valley Street  
New Philadelphia, PA

Township or Borough Cass Township  
**Schuylkill County**

Responsible Official Joseph Turnitza, Chairperson  
Type of Facility Public Water System  
Consulting Engineer Systems Design Engineering, Inc.  
1032 James Drive  
Leesport, PA

Application Received Date 3/29/10

Description of Action The upgrade of intake lines, modifications to the pretreatment system, valves and housing.

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

**Application No. 5608507GWR**, Minor Amendment.

Applicant **Jenner Township**  
2058 Lincoln Highway  
Boswell, PA 15531

Township or Borough Jenner Township

Responsible Official Keith Barnick  
Chairperson  
Jenner Township  
2058 Lincoln Highway  
Boswell, PA 15531

Type of Facility Water treatment system

Consulting Engineer  
Application Received Date December 31, 2009

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 2610502GWR, Minor Amendment.**

Applicant **Indian Creek Valley Water Authority**  
P. O. Box 486  
Indian Head, PA 15446

Township or Borough Saltlick Township

Responsible Official R. Kerry Witt, Manager  
Indian Creek Valley Water Authority  
P. O. Box 486  
Indian Head, PA 15446

Type of Facility Water treatment system

Consulting Engineer

Application Received Date March 31, 2010

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 5609504GWR, Minor Amendment.**

Applicant **Borough of Somerset**  
340 West Union Street  
Somerset, PA 15501

Township or Borough Somerset Township

Responsible Official Benedict Vinzani  
Borough Manager  
Borough of Somerset  
340 West Union Street  
Somerset, PA 15501

Type of Facility Water treatment system

Consulting Engineer

Application Received Date November 3, 2009

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 0409508GWR, Minor Amendment.**

Applicant **Beaver Borough**  
469 Third Street  
Beaver, PA 15009

Township or Borough Beaver Borough

Responsible Official John Barrett  
Beaver Borough  
469 Third Street  
Beaver, PA 15009

Type of Facility Water treatment system

Consulting Engineer

Application Received Date March 17, 2010

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 0210503GWR, Minor Amendment.**

Applicant **Bay Valley Foods, LLC**  
1080 River Avenue  
Pittsburgh, PA 15212

Township or Borough City of Pittsburgh

Responsible Official Ken Boersen  
Bay Valley Foods, LLC  
1080 River Avenue  
Pittsburgh, PA 15212

Type of Facility Water treatment system

Consulting Engineer

Application Received Date February 3, 2010

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 0209525GWR, Minor Amendment.**

Applicant **Borough of Sharpsburg**  
1611 Main Street  
Pittsburgh, PA 15215

Township or Borough Sharpsburg Borough

Responsible Official Roger Milliron  
Borough of Sharpsburg  
1611 Main Street  
Pittsburgh, PA 15215

Type of Facility Water treatment system

Consulting Engineer

Application Received Date November 25, 2009

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 2610503GWR, Minor Amendment.**

Applicant **Spring Valley**  
100 Spring Valley Road  
Farmington, PA 15437

Township or Borough Wharton Township

Responsible Official Spring Valley  
100 Spring Valley Road  
Farmington, PA 15437

Type of Facility Water treatment system

Consulting Engineer

Application Received Date March 23, 2010

Description of Action Groundwater rule 4-log treatment demonstration.

**Application No. 0210509MA, Minor Amendment.**

Applicant **Richland Township Municipal Authority**  
2012 Kramer Road  
Gibsonia, PA 15044-9632

Township or Borough Valencia Borough  
**Butler County**

Responsible Official George Kane  
Chairperson  
Richland Township Municipal Authority  
2012 Kramer Road  
Gibsonia, PA 15044-9632

Type of Facility Water treatment system

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

Application Received Date April 5, 2010

Description of Action Modification to the emergency interconnection with the Adams Township Municipal Authority.

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

**Application No. 1605501-MA1, Minor Amendment.**

Applicant	<b>Pinebloom Corporation for Wolf's Camping Resort</b>
Township or Borough	Beaver Township <b>Clarion County</b>
Responsible Official	Pete Titley, Owner
Type of Facility	Public Water System
Application Received Date	03/30/2010
Description of Action	Painting steel tanks in water treatment plant and adjustment of the settling tube elevation.

**WATER ALLOCATIONS**

**Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA2-1014, Water Allocations. Richland Township Municipal Authority**, 2012 Kramer Road, Gibsonia, PA 15044, **Allegheny County**. The applicant is requesting an emergency interconnection with the Adams Township Municipal Authority located in Butler County.

**HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Applications Submitted under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

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

**PAD980550412. Lonza, Inc., Lonza Riverside Facility**, 900 River Road, Conshohocken, PA 19428-2647. This application is for the 10-year renewal of the captive hazardous waste RCRA Part B permit for the Lonza Riverside Facility located in Upper Merion Township, **Montgomery County**. The current Part B permit expires on October 3, 2010. Application was received by the Southeast Regional Office on April 7, 2010.

**MUNICIPAL WASTE GENERAL PERMITS**

**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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit Application No. WMGMO27SC002. Creative Fuels, LLC**, 720 Laurel Street, Reading, PA 19602.

The Southcentral Regional Office, Waste Management Program has received an application for a determination of applicability (DOA) under Municipal Waste General Permit No. WMGM027 for the Creative Fuels, LLC located at 720 Laurel Street, Reading, PA 19602. This DOA is for the acceptance and beneficial use of alternative fuel material to be used at Evergreen Community Power, 800 South Street, Reading, PA 19602. The application for DOA was determined to be administratively complete by the Southcentral Regional Office on April 8, 2010.

Comments concerning the application should be directed to John Oren, Facilities Manager, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, 717-705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

**Applications renewed 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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No. 301333. Waste Recovery Solutions, Inc.** located in Jackson Township, **Lebanon County**. The Department of Environmental Protection (Department) has reviewed the application for permit renewal for the operation of Waste Recovery Solutions, issued in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, *et seq.* The Department deems the Permit Renewal administratively complete.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, 717-705-4706. 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.**

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

**30-00072H: Consol PA Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) for expansion inclusive of conveyors and storage silos and an increase of both raw coal and clean coal storage at Bailey Preparation Plant in Richhill Township, **Greene County**.

**65-00354A: Sunoco Partners Marketing & Terminals, LP** (5733 Butler Street, Pittsburgh, PA 15201) for installation of vapor recovery unit at Delmont Terminal in Salem Township, **Westmoreland County**.

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

**10-325A: Butler VA Medical Center** (325 New Castle Road, Butler, PA 16001), for three (3) existing 25.4 mmBtu/hr capacity gas and No. 2 fuel oil fired boilers at their facility in Butler Township, **Butler County**.

**62-017S: United Refining Company** (15 Bradley Street, Warren, PA 16365), for the modification of several existing sources to produce reduced benzene gasoline (meet EPA's MSAT II fuel requirements) in Warren City, **Warren County**. This is a Title V facility.

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

**54-399-045: Silberline Manufacturing Co., Inc.** (130 Lincoln Drive, Tamaqua, PA 18252) for modification of their existing aluminum pigment manufacturing process to add additional equipment with controls at their facility in Rush Township, **Schuylkill 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.*

**46-0200C: John Middleton Co.** (418 West Church Road, King of Prussia, PA 19406) for modification of existing sources for a tobacco conditioning and flavoring process, and the additions of a new specialty process and a 700 hp (29.0 mmBtu/hr) natural gas-fired boiler, at their facility in Upper Merion Township, **Montgomery County**. As a result of potential emissions of VOCs, 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.

**23-0115: Camden Iron and Metal** (1500 East 2nd Street, Eddystone, PA 19022) for installation of a metal recycling operation used to shred automobiles and other metals into small recyclable pieces in Eddystone Borough, **Delaware County**. The plan approval is for a non-Title V facility and will consist of an electric motor driven shredding chamber (where the scrap will be ripped and torn by a series of rotating hammers), followed by a series of high-sided conveyor belts for the separation of the various metal and non-metal pieces, and an air classifier to collect and control the emissions of Particulate Matter (PM). Potential emissions of PM are projected to be 9.24 tons/yr from the shredding operation, stockpiles and transfer points. PM emissions will be controlled using water spray (fogging system) at the hammermill and transfer points and an air classifier with an air interlock at the end of the separation stage for any small lightweight materials. Traffic will be limited to paved areas, which shall be wetted and/or swept to assist in fugitive dust control. The plan approval 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.*

**35-322-010A: Alliance Sanitary Landfill, Inc.** (398 South Keyser Avenue, Taylor, PA 18517) for several administrative changes to the conditions of an issued plan approval No. 35-322-010. The Department of Environ-

mental Protection (Department) has approved and issued a Plan approval No. 35-322-010, dated July 7, 2009, with conditions for the installation and operation of two (2) enclosed landfill gas flares and one (1) open candle flare. Subsequent to the issuance of the Plan Approval, the company has discussed the conditions of the Plan Approval with the Department and has requested administrative changes to the conditions to improve the clarity of the conditions and its consistency with the Department's BAT guidance. This action does not represent any additional waste being introduced into the landfill, or an expansion of the landfill, merely the administrative changes in permit conditions. No additional gas is being generated since the gas generation is based on the size and volume of the landfill. The company has proposed no other changes. Alliance Sanitary Landfill is a major facility subject to Title V permitting requirements. The volatile organic compound (VOC) emissions from the landfill will be controlled by enclosed landfill gas flares and will continue to be less than 50 tons per year. 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.

**39-309-076: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for installation and operation of a Dry Absorbent Addition (DAA) system and a Selective Non-Catalytic Reduction (SNCR) system for the

control of SO<sub>2</sub> and NOX emissions from Kiln Nos. 2 and 3 at the facility in Whitehall Township, **Lehigh 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. 39-309-076 to Lafarge North America, Inc., 5160 Main Street, Whitehall, PA 18052, for their plant located in Whitehall Township, Lehigh County. The facility currently operates under Title V Operating Permit No. 39-00011. This plan approval will be incorporated into the 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. 39-309-076 is for the installation and operation of a Dry Absorbent Addition (DAA) system and a Selective Non-Catalytic Reduction (SNCR) system for the control of SO<sub>2</sub> and NOx emissions from Kiln Nos. 2 and 3 at the facility. The proposed changes do not physically alter the kilns in any way, do not impact kiln production capacity, and do not result in an increase in kiln production or emissions. The proposed changes will enable the installation of additional kiln air pollution control equipment and implement enforceable reductions in sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NOx) emissions from each kiln. The company will be limited to the following emissions limitations after installation of these systems.

	<i>Kiln No. 2</i> 30-Day Rolling Average	<i>Kiln No. 3</i> 30-Day Rolling Average	<i>Facility-Wide</i> 12-Month Rolling Average
NOx	2.58 lb/ton of clinker	2.92 lb/ton of clinker	2.03 lb/ton of clinker
SO <sub>2</sub>	4.06 lb/ton of clinker	3.19 lb/ton of clinker	2.59 lb/ton of clinker

The proposed SNCR and DAA systems will be operated to comply with the above emissions limitations. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating in compliance with all applicable air quality requirements.

Copies of the application, Department analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's 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. 39-309-076

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

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 570-826-2531 within 30 days after publication date.

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

**32-00393B: Prime Metals & Alloys, Inc.** (101 Innovation Drive, P. O. Box 194, Lucernemines, PA 15754) to allow the continued construction and initial operation of a specialty steel plant in Center Township, **Indiana County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-32-00393B to allow the continued construction and initial operation of a specialty steel plant located in Center Township, Indiana County. The facility will produce up to 55,000 tons of metal ingots annually. Air contamination sources proposed at the facility include four electric induction furnaces, one argon-oxygen decarburization (AOD) vessel, four natural gas-fired annealing boxes, two natural gas-fired ladle pre-heaters, ingot and pig pouring, slag handling, and a parts washer. Best available technology (BAT) for the proposed sources includes the incorporation of particulate matter (PM) and opacity emission limits, testing, monitoring, recordkeeping, and reporting requirements, and work practice standards from Title 25 of the Pennsylvania Code and 40 CFR Part 60, Subpart AAA (for the AOD vessel). BAT also includes the use of fabric

filters to control PM emissions from ingot and pig pouring, the induction furnaces and the AOD vessel. Potential emissions from the proposed facility are estimated to be 23.63 tons of PM, 9.35 tons of carbon monoxide (CO), 5.21 tons of nitrogen oxides (NO<sub>x</sub>), 0.48 ton of volatile organic compounds (VOC) and 0.03 ton of sulfur oxides (SO<sub>x</sub>) per year. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code, Subchapter F.

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

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

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

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

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

For additional information you may contact Alan Binder at 412-442-4168.

#### 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.**

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

**10-00001: AK Steel Corp.** (P. O. Box 832, Butler, PA 16003) for a Title V Operating Permit Re-issuance to operate a steel manufacturing facility in Butler Township, **Butler County**. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit NO<sub>x</sub>, Particulate Matter and VOC emissions.

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

**45-00002: Rock Tenn Co.** (Paper Mill Road, Delaware Water Gap, PA 18327) for a renewal Title V Operating Permit for a paperboard mill in Smithfield Township, **Monroe County**. Sources at the facility include two (2) combustion boilers, maintenance building heaters, paper coating process, two (2) emergency fire pumps. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**09-00182: Armoloy Company of Philadelphia** (1105 Miller Avenue, Croydon, PA 19028) for operation of their facility in Bristol Township, **Bucks County**. This action is a renewal of the permit for a non-Title V (Natural Minor) facility. The facility is a basic manufacturing industry, specializing in various types of electroplating, plating, anodizing and finishing of metals products. There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00050: Hanson Aggregates BMC, Inc.** (825 Swamp Road, Penns Park, PA 18943) for operation of their asphalt plant facility in Wrightstown Township, **Bucks County**. This action is a renewal of the permit for a non-Title V (Synthetic Minor) facility. The facility consists of a Gencor asphalt plant and a recycled asphalt pavement (RAP) plant. There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00168: Moss Rehab Einstein** (60 East Township Line Road, Elkins Park, PA 19027) for a renewal permit to remove an exempt generator for a non-Title V (State-only) facility in Cheltenham Township, **Montgomery County**. NO<sub>x</sub> emissions are electively capped to less than 25 tons per year. An exempt generator (Onan 230 kW) has been removed from the facility and has been replaced with a new exempt generator (Detroit Diesel 400 kW). Source ID 106 and Source ID 107-Exempt Generators, have been added to Section A (Site Inventory) and Section D (Source Level) of the renewal permit to include applicable requirements to exempt generators. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**09-00134: Reed Minerals** (905 Steel Road South, Fairless Hills, PA 19030) for operation of their facility in Falls Township, **Bucks County**. This action is a renewal of the permit for a non-Title V (Natural Minor) facility. The facility operates a coal slag roofing granules plant. There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00077: Exelon Generation Company—Pennsbury Power Production Plant** (1414 Bordentown Road, Morrisville, PA 19067) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Morrisville, Falls Township, **Bucks County**. The permit is for operation of two (2) combustion turbines that convert landfill gas into electric power when the demand is high. This action is a renewal of the State-only Operating Permit. The initial permit was issued on 8-15-2005. The permit will include monitoring, recordkeeping, reporting and work practice standards 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.*

**40-00107: Allegheny Energy Supply, LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) a State-only (Synthetic Minor) operating permit for a natural gas fired combustion turbine at their facility in Hunlock Township, **Luzerne County**. The permittee is taking limitations on operating hours, NO<sub>x</sub> emissions, fuel type, and control device usage to maintain Synthetic Minor status. The State-only (Synthetic Minor) operating permit includes emissions, monitoring, recordkeeping, reporting, testing and additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

**40-00111: CEI Anthracite, Inc.** (603 South Church Street, Hazleton, PA 18201) for operation of a coal processing operation and associated air cleaning devices at their facility in the City of Hazleton, **Luzerne County**. This facility is currently operating under Operating Permit 40-305-028. All permit requirements shall be included in the new State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**48-00079: Lehigh Valley Crematory, Inc.** (301 Front Street, Hellertown, PA 18055) for funeral service and crematories operation in Hellertown Borough, **Northampton County**. This is a renewal of the State-only Natural Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**39-00061: Electro Chemical Engineering and Manufacturing Company** (750 Broad Street, Emmaus, PA 18049) for coating and engraving facility in Emmaus Borough, **Lehigh County**. This is an initial State-only Synthetic Minor a operating permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**22-03028: Linda B. Corson—Dauphin Animal Crematory** (885 Allegheny Street, Dauphin, PA 17018-9758) for operation of their existing animal crematory in Middle Paxton Township, **Dauphin County**. This is a permit renewal of their existing State-only operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**22-05050: Dauphin Meadows, Inc.—Waste Management** (425 Perinton Parkway, Fairport, NY 14450) for their closed landfill controlled by an enclosed ground flare in Washington Township, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2005.

**38-03051: Trinity Alloys, Inc.** (200 East Richland Avenue, Myerstown, PA 17067) for operation of a secondary aluminum production facility in Myerstown Borough, **Lebanon County**. The facility is subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. The State-only operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

**28-03050: Bri Mar Manufacturing, LLC—South Main Street Plant** (1080 South Main Street, Chambersburg, PA 17201-3240) for renewal of a natural minor operating permit issued in November 2005 for a paint booth in the Borough of Chambersburg, **Franklin County**.

**67-03052: BIMAX Inc.—Springfield Plant** (158 Industrial Road, Glen Rock, PA 17327-8626) for renewal of a natural minor operating permit issued in November 2005 in Springfield Township, **York County**.

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

**65-00817: IA Construction Corp.** (P.O. Box 290, Homer City, PA 15748) for operation of hot mix asphalt plant facility in City of Lower Burrell, **Westmoreland County**. This is a State-only Operating Permit Renewal.

**65-00354A: Sunoco Partners Marketing & Terminals, LP** (5733 Butler Street, Pittsburgh, PA 15201) for installation of vapor recovery unit at Delmont Terminal in Salem Township, **Westmoreland County**.

**30-00174: CNX Gas Company, LLC** (200 Evergreene Drive, Waynesburg, PA 15370) for operation of CNX's McQuay Compressor Station in Center Township, **Greene County**. This is a new State-only Operating Permit.

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

**16-00149: Clarion Laminates, LLC** (301 Fiberboard Road, Shippensburg, PA 16254-4811) for issuance of a natural minor permit to operate a hard surface floor coverings manufacturing facility in Paint Township, **Clarion County**. The facility's major emission sources include thermal oil heater, 8 direct fired space heaters, laminating and saw line 1, Laminating and saw line 2, profiling 1, profiling 2 and crystal clean degreaser unit. The facility is natural minor because the emission from the facility is less than Title V threshold limits.

**24-00145: GE Thermometrics, Inc.** (967 Windfall Road, St. Marys, PA 15857), for a Synthetic Minor Operating Permit issuance to operate an electronic resistor manufacturing facility, in the City of St. Marys, **Elk County**. This facility had previously been permitted as a Title V Operating Permit but has reduced emissions sufficiently to no longer be classified as a major source of emissions.

**25-00337: Custom Engineering Co.** (2800 McClelland Avenue, Erie, PA 16510-2544) for re-issuance of a Natural Minor Permit to operate a fabricated metal products manufacturing facility in the City of Erie, **Erie County**. The significant sources are natural gas combustion units (heaters), burntable torch cutting (2 tables), paint booth, rust preventive (hand application) and paint booth. The

emission from the facility is less than Title V threshold limits. Thus, the facility is natural minor.

**33-00172: Original Fuels, Inc.—Grange Lime & Stone** (883 St. Jacobs Church Street, Punxsutawney, PA 15767) for a Natural Minor Operating Permit for operation of the facility's air contamination source consisting of: a 623 bhp diesel-fired generator, a 575 bhp diesel-fired generator, and a 200 ton per hour stone processing plant including 2 crushers, 2 screens and 9 conveyors in Perry Township, **Jefferson County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit

application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

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

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

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

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

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

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

### *Coal Applications Received*

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



Table 1

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

<sup>1</sup> The parameter is applicable at all times.

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

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

**30841317 and NPDES Permit # PA0213527, Consol PA Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Morris, East Finley and South Franklin Townships, **Washington County** for an overhead power line right-of-way to install power to the E22 Airshaft. No additional discharges. Application received: November 23, 2009.

**17041301 and NPDES Permit # PA0235628, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Penfield Mine in Huston Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received: March 15, 2010.

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

**11990103 and NPDES No. PA0235091. Paul F. Becker Coal Company**, P. O. Box 332, Duncansville, PA 16635, revision of an existing bituminous surface mine to change the land use from forestland to unmanaged natural habitat in Elder Township, **Cambria County**, affecting 21.2 acres. Receiving stream(s): unnamed tributary to Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 30, 2010.

**32890109 and NPDES No. PA0598640. Keystone Coal Mining Corporation**, P. O. Box 219, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Blacklick Township, **Indiana County**, affecting 18.4 acres. Receiving stream(s): Aultmans Run classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 1, 2010.

**56753119 and NPDES No. PA0607622. Jenners, Inc.**, P. O. Box 171, Shelocta, PA 15774, revision of an existing bituminous surface and auger mine to change land use from forestland to pastureland in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving stream(s): unnamed tributaries to Quemahoning and Hoffman Creeks classified for the following use(s): cold water fishery. The first downstream potable water supply

intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: April 1, 2010.

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

**26960101 and NPDES Permit No. PA0201600. Daniel J. Patterson** (20 Elizabeth Drive, Smithfield, PA 15478). Application received for transfer of permit currently issued to Patterson Coal Company for continued operation and reclamation of a bituminous surface mining site located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams: unnamed tributaries to York Run to York Run to Georges Creek to Monongahela River, classified for the following uses: warm water fishes and navigation. There are no downstream potable water supply intakes within ten miles from the point of discharge. Transfer application received: April 1, 2010.

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

**61100102 and NPDES Permit No. PA0258857. K & A Mining** (P. O. Box 288, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Scrubgrass Township, **Venango County** affecting 23.8 acres. Receiving streams: Unnamed tributaries to Allegheny River, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Emlenton Water Company. Application received: April 5, 2010.

**10100101 and NPDES Permit No. PA0258865. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip in Karns City Borough and Fairview Township, **Butler County** affecting 47.1 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 5, 2010.

**1475-10100101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct support activities within 100 feet of unnamed tributary No. 2 to South Branch Bear Creek in Karns City Borough and Fairview Township, **Butler County**. Receiving streams: Unnamed tributaries to South Branch Bear Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 5, 2010.

**1475-10100101-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct support activities within 100 feet of unnamed tributary No. 4 to South Branch Bear

Creek in Karns City Borough and Fairview Township, **Butler County**. Receiving streams: Unnamed tributaries to South Branch Bear Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 5, 2010.

**10000103 and NPDES Permit No. PA0241776. Seneca Landfill, Inc.** (P. O. Box 1080, Mars, PA 16046) Renewal of an existing bituminous strip, sandstone and shale removal operation in Jackson and Lancaster Townships, **Butler County** affecting 281.1 acres. Receiving streams: Unnamed tributary to Connoquenessing Creek, classified for the following: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 8, 2010.

**16050108 and NPDES Permit No. PA0257958. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) Renewal of an existing bituminous strip operation in Clarion Township, **Clarion County** affecting 58.3 acres. Receiving streams: Unnamed tributary A of Brush Run to Brush Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: April 8, 2010.

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

**54783702R5 and NPDES Permit No. PA0593010. Reading Anthracite Company,** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse disposal, refuse reprocessing and preparation plant operation in New Castle, Cass and Norwegian Townships, **Schuylkill County** affecting 512 acres, receiving stream: West Branch Schuylkill River. Application received: March 18, 2010.

**54-305-012GP12. Reading Anthracite Company,** (P. O. Box 1200, Pottsville, PA 17901), application to renew a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54783702R5 in New Castle, Cass and Norwegian Townships, **Schuylkill County**. Application received: April 5, 2010.

**54050101R. Park Mine Coal Company,** (294 Pine Creek Drive, Orwigsburg, PA 17961), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 602.0 acres, receiving stream: none. Application received: April 8, 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.

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

**4673SM13. John D. Anderson** (P. O. Box 676, Warren, PA 16365) Revision to an existing large sand and gravel operation to add 4.8 acres in Pine Grove Township, **Warren County**. Total acreage will be 33.3 acres. Receiving streams: North Branch Akeley Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 5, 2010.

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

**59040301 and NPDES No. PA0243868. Paul T. Hall** (18759 Route 287, Tioga, PA 16946). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Lawrence Township, **Tioga County** affecting 9.6 acres. Receiving streams: Daily Creek tributary to the Tioga River classified for Warm Water Fisheries. Application received: March 25, 2010.

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

**09070301C. Haines & Kibblehouse, Inc.,** (P. O. Box 196, Skippack, PA 19474), correction to an existing quarry operation to update the wetland mitigation plan in Hilltown Township, **Bucks County** affecting 83.0 acres, receiving stream: unnamed tributary to North Branch Neshaminy Creek, classified for the following use: warm water fishery. Application received: April 5, 2010.

**7475SM5C4 and NPDES Permit No. PA0223522. ESSROC Cement Corp.,** (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nazareth Borough, Upper and Lower Nazareth Townships, **Northampton County**, receiving stream: unnamed tributary to Schoeneck Creek, classified for the following use: warm water fishery. Application received: April 7, 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 ap-

proval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E40-709. Department of Transportation, Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, in City of Hazleton and Hazle Township, Luzerne County, U.S. Army Corps of Engineers, Philadelphia District.

To place 0.04 acre of fill in a *de minimis* area of EV wetlands and to construct and maintain dual, 27-inch reinforced concrete pipe culverts within a tributary to Dreck Creek (HQ-CWF, MF). The project is part of the Broad Street Betterment Project and is located along SR 0093 (Broad Street), Segment 0024, just west of the intersection of the SR 0424 (Arthur Gardner Parkway) and SR 0093 (Hazleton, PA Quadrangle Latitude: 40° 56' 27"; Longitude: -75° 56' 55").

**E40-707. Mr. John J. Brogan**, 711 Birkbeck Street, Freeland, PA 18224, in Foster Township, Luzerne County, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain two secondary clarifier structures, a blower building, an ultraviolet disinfection building, and two stormwater outfall structures within the floodway of Pond Creek (HQ-CWF). The first outfall consists of a Type DW endwall with R-riprap, and the second outfall consists of a flared end section, and an R-riprap. The purpose of the project is for the expansion of the Borough of Freeland Municipal Wastewater Treatment Plant. The project is located on the east side of

Birkbeck Street several hundred feet north of its intersection with Arthur Street, approximately 2.4 miles north of the intersection of SR 940 and SR 2051 (Freeland, PA Quadrangle Latitude: 41° 1' 38"; Longitude: -75° 53' 38") in Foster Township, Luzerne County.

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

**E02-1634. U.S. Coast Guard Civil Engineering Unit Cleveland**, 1240 East 9th Street, Room 2179, Cleveland, OH 44199-2060. To operate existing dock and construct a new floating dock in Osborne Borough, Allegheny County, Pittsburgh ACOE District (Ambridge, PA Quadrangle N: 5.55 inches; W: 6.65 inches, Latitude: 40° 31' 50"; Longitude: 80° 10' 22"). The applicant proposes to operate and maintain the existing dock and to construct and maintain a new floating dock 220.0 feet long by 9.0 feet wide in the channel and along the right bank of the Ohio River (WWF) for the purpose of providing safe and efficient mooring for USCGC Osage. The project is located approximately 4,200.0 feet upstream from the Sewickley Bridge and will impact approximately 220.0 linear feet of stream channel.

**E63-624. Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317. To construct and maintain concrete arch culvert in Peters Township, Washington County, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 5.00 inches; W: 1.8 inches, Latitude: 40° 16' 38"; Longitude: 80° 8' 13"). To construct and maintain a 52-foot long, 20-foot wide by 7-foot high natural bottom concrete arch culvert having a 3-ft wide by 1-foot deep low flow channel in an unnamed tributary to the Chartiers Creek (WWF). The project includes realignment of 140 linear feet of the stream at both approaches of the proposed structure. To construct and maintain two utility line stream crossings and modification to one suspended crossing and to construct and maintain an outfall structure located in said stream and another outfall structure in the Little Chartiers Creek (WWF). To place and maintain fill associated with the access road and structures in the floodplain of an unnamed tributary to Chartiers Creek. The purpose of the project is to construct the Donaldson's Crossroads Water Pollution Control Plant.

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

**E10-459. Regional Industrial Development Corporation of Southwest PA**, 425 Sixth Avenue, Suite 500, Pittsburgh, PA 15219-1822. Thorn Hill Industrial Park Development, in Cranberry Township, Butler County, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 40' 17.11"; W: 80° 6' 33.52").

The applicant is proposing to construct and maintain continued development of the existing 925-acre Thorn Hill Industrial Park west and adjacent to SR 76 (Turnpike) involving encroachments on the following parcels:

#### Lower Parcel

##### Stream Enclosures:

1. UNT Brush Creek S-8, 16' w by 7' 10" h by 90' l—concrete arch/embankment fill and 40' l, rock apron/bank protection, 130 LF permanent impact, 40° 40' 40.095" N; 80° 6' 24.214" W

##### Wetland Impacts:

1. Wetland JLY-11 by culvert and fill, 16' w by 7' 10" h by 90' l—concrete arch/embankment fill and 40' l rock

apron/bank protection, 0.18 acre permanent impact, 40° 40' 40.095" N; 80° 6' 24.214" W

2. Wetland JLY-11 by embankment fill, 0.24 acre permanent impact, 40° 40' 34.745" N; 80° 6' 20.258" W

3. Wetland JLY-16 by embankment fill (partial), 0.24 acre permanent impact, 40° 40' 36.869" N; 80° 6' 16.337" W

4. Wetland JLY-11 by embankment fill, 0.51 acre permanent impact, 40° 40' 39.835" N; 80° 6' 19.469" W

#### Floodway Encroachments:

1. UNT Brush Creek S-8 by embankment fill, 360 LF, 40° 40' 36.162" N; 80° 6' 21.829" W

2. Brush Creek by borrow/waste excavation, 300 LF, 40° 40' 38.888" N; 80° 6' 15.926" W

#### Parcel 539

##### Wetland Impacts:

1. Wetland CEC-539-A by embankment fill, 0.21 acre permanent impact, 40° 40' 37.727" N; 80° 7' 09.907" W

2. Wetland CEC-539-C by embankment fill, 0.03 acre, 40° 40' 33.835" N; 80° 7' 07.588" W

##### Stream Fill:

1. UNT Brush Creek CECStream A (i), 564 LF, permanent impact, 40° 40' 36.191" N; 80° 7' 08.379" W

#### Parcel 544

##### Wetland Impact:

1. Wetland JLY-12 by embankment fill, 0.26 acre permanent impact, 40° 40' 46.982" N; 80° 7' 07.879" W

##### The project includes:

1. construction and maintenance of associated utility line crossings and stormwater outfalls on various parcels with associated temporary and permanent stream and wetland impacts,

2. construction and maintenance of 150 linear feet of vegetative stabilization and rock riprap protection of Brush Creek of Brush Creek on the Lower Parcel

3. construction and maintenance of mitigation wetlands (0.90 acre PEM and 1.52 acre PSS)

Brush Creek and UNTs Brush Creek are classified as warm water fisheries. The project proposes to permanently impact 2.92 acres of wetland (0.90 acre PEM and 0.76 acre PSS) The Thorn Hill Industrial Park is located in Marshall Township, Allegheny County and Cranberry Township, Butler County. Approximately 80% of the 925 acres of the industrial park have been developed since 1971. There are approximately 125 undeveloped acres in Allegheny County and 80 undeveloped acres in Butler County.

**E02-1635, Regional Industrial Development Corporation of Southwest PA**, 425 Sixth Avenue, Suite 500, Pittsburgh, PA 15219-1822. Thorn Hill Industrial Park Development, in Marshall Township, **Allegheny County**, ACOE Pittsburgh District (Mars and Baden, PA Quadrangle N: 40° 40' 17.11"; W: 80° 6' 33.52").

The applicant is proposing to construct and maintain continued development of the existing 925 acre Thorn Hill Industrial Park west and adjacent to SR 76 (Turnpike) involving encroachments on the following parcels:

#### Parcel 25

##### Wetland Impacts:

1. Wetland CJW-1 by a fill associated with a stormwater outfall (25A), 0.005 acre permanent impact, 40° 40' 22.302" N; 80° 6' 30.376" W

2. Wetland CJW-1 by a fill associated with stormwater outfall (25B), 0.005 acre permanent impact, 40° 40' 23.351" N; 80° 6' 28.761" W

#### Parcel 56

##### Wetland Impacts:

1. Wetland CJW-4 by embankment fill, 0.30 acre permanent impact, 40° 39' 41.140" N; 80° 5' 48.384" W

#### Parcel 63R

##### Wetland Impacts:

1. Wetland CJW-4 by embankment fill, 0.24 acre permanent impact, 40° 39' 42.640" N; 80° 5' 50.909" W

#### Parcel 65

##### Wetland Impacts:

1. Wetland CJW-10 by embankment cut/fill, 0.35 acre permanent impact, 40° 39' 47.984" N; 80° 6' 07.098" W

##### Stream Enclosure:

1. UNT Brush Creek KDR-9 (intermittent), 15' by 110' CPP extension, 109 LF permanent impact, 40° 39' 42.037" N; 80° 6' 09.506" W

#### Parcel 66

##### Culverts:

1. UNT Brush Creek KDR-2 (p), 15' w by 6' h by 55' l box culvert and 20' l rock apron/bank protection, 75 LF permanent impact, 40° 39' 43.856" N; 80° 6' 14.481" W

2. UNT Brush Creek KDR-2 (p), channel change and 15' w by 6' h by 70' l box culvert and 20' l rock apron/bank protection, 90 LF permanent impact, 40° 39' 43.825" N; 80° 6' 11.558" W

#### Parcel 69

##### Wetland Impacts:

1. Wetland CJW-6 by embankment fill, 0.11 acre permanent impact, 40° 39' 46.651" N; 80° 6' 00.694" W

2. Wetland CJW-4 by a wall and embankment fill, 0.21 acre permanent impact, 40° 39' 47.448" N; 80° 5' 56.340" W

#### Parcel B Rev

##### Culverts:

1. UNT Brush Creek, KDR-15, 7' 7" w by 4' 10" h by 60' l conc elliptical culvert and 15' l rock apron/bank protection, 75 LF permanent impact, 40° 40' 20.794" N; 80° 7' 02.870" W

2. Wetland CJW-32 by culvert 7' 7" w by 4' 10" h by 60' l conc elliptical culvert and 15' l rock apron/bank protection, 0.04 acre permanent impact, 40° 40' 20.794" N; 80° 7' 02.870" W

#### Mitigation Area Impacts

#### Parcel 56

##### Channel Change:

1. UNT Brush Creek KDR-26, channel fill, 162 LF of permanent impact, 40° 39' 37.521" N; 80° 5' 44.737" W

*Parcels 56 and 63*

## Floodway Excavation for a Mitigation Site:

1. Brush Creek floodway, mitigation site excavation (cut only), 1,200 LF of permanent impact, 40° 39' 43.675" N; 80° 5' 47.463" W

*Parcel 63R*

## Floodway Excavation for a Mitigation Site:

1. Brush Creek streambank/floodway, mitigation site cut, riprap ford, rock channel protection, 100 LF of permanent impact, 40° 39' 47.940" N; 80° 5' 49.529" W

## The project includes:

1. construction and maintenance of associated utility line crossings and stormwater outfalls on various parcels with associated temporary and permanent stream and wetland impacts,

2. construction and maintenance of 200 linear feet of vegetative stabilization and rock riprap protection of

Brush Creek on Parcel 56 and 150 linear feet of vegetative stabilization and rock riprap protection of a UNT Brush Creek on Parcels 63R and 69,

3. construction and maintenance of culverts in UNT Brush Creek KDR-12 and UNT Brush Creek KDR-4 having drainage areas less than 100 acres and having lengths of 70 feet and 60 feet respectively and

4. construction and maintenance of mitigation wetlands (0.065 acre PEM, 0.42 acre PSS, 0.39 acre PFO and 0.27 POW)

Brush Creek and UNTs Brush Creek are classified as warm water fisheries. The project proposes to permanently impact 1.26 acres of wetland (0.065 acre PEM, 0.21 acre PSS, 0.13 acre PFO and 0.27 POW). The Thorn Hill Industrial Park is located in Marshall Township, Allegheny County and Cranberry Township, Butler County. Approximately 80% of the 925 acres of the industrial park have been developed since 1971. There are approximately 125 undeveloped acres in Allegheny County and 80 undeveloped acres in Butler County.

**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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063924 (Sewage)	Department of Conservation and Natural Resources Delaware Canal State Park Teddy Roosevelt Picnic Area 11 Lodi Hill Road Upper Black Eddy, PA 18972-9540	Northampton County Williams Township	Delaware River 2D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0008036 (Industrial Waste)	Ingersoll Rand Athens Plant 101 North Main Street Athens, PA 18810	Bradford County Athens Borough	Chemung River 4-B	Y
PA0036846 (Sewage)	New Berlin Municipal Authority STP P. O. Box 473 New Berlin, PA 17855	Union County New Berlin Borough	Penns Creek SWP 6A	Y
PA0113751 (Industrial Waste)	(Former) TRW Valve Plant 601 East Market Street Danville, PA 17821	Montour County Danville Borough	Susquehanna River SWP 5E	Y
PA0009032 (Industrial Waste)	Former GTE Products Corporation Facility Old Route 220 Muncy, PA 17756	Lycoming County Muncy Township	West Branch Susquehanna River SWP 10D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0025755 Sewage	Freeport Borough 414 Market Street Freeport, PA 16229	Armstrong County Freeport Borough	Buffalo Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0001791	Osram Sylvania Products, Inc. 816 Lexington Avenue Warren, PA 16365	Warren County City of Warren	Allegheny River 16-B	Y

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

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

**NPDES Permit No. PA0011541**, Industrial Waste, **Sunoco Partners Marketing & Terminals, LP**, 4041 Market Street, Aston, PA 19014. This proposed facility is located in Darby Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from the Darby Creek Tank Farm area to the Darby Creek in Watershed 3G.

**NPDES Permit No. PA0058297**, Sewage, **Casimir and Suzanne Wolanin**, 331 Echo Valley Lane, Newtown Square, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gpd of treated sewage to Lewis Run in Watershed 3-G.

**NPDES Permit No. PAG040066**, Sewage, **Villa Building Co., Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gpd of treated sewage to East Branch Perkiomen Creek in Watershed 3-E.

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

**PA0233897, Non-Municipal**, SIC 4952, **Wade J. Robbins**, 273 Paradise Lane, Julian, PA 16844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Activity: The SFTF will allow the repair of an existing onlot disposal system and replacement of an existing holding tank. The SFTF will serve an existing lodge (an eight bedroom residence generating approximately 900 gpd) and a garage to be converted into a four bedroom residence (500 gpd) on a 788 acre lot.

The receiving stream, Unnamed Tributary to Bald Eagle Creek, is in the State Water Plan watershed 9C and is classified for: CWF, MF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River and is 95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0020 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
Flow (MGD)	Report				
CBOD <sub>5</sub>			10		20
TSS			10		20
TRC			0.5		1.17
Fecal Coliform (5/1 - 9/30)	200 colonies/100 ml as a geometric mean, nor greater than 1,000 colonies/100 ml in more than 10% of the samples tested				
(10/1 - 4/30)	2,000 colonies/100 ml as a geometric mean				
pH (Std. Units)	6.0 to 9.0 at all times				

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

**NPDES Permit No. PA0263656**, Sewerage, **Daniel H. Preston**, 100 3rd Lane, Kane, PA 16735. This proposed facility is located in Sergeant Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility.

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

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

**WQM Permit No. 1410401**, Sewerage, SIC 4952, **Wade J. Robbins**, 273 Paradise Lane, Julian, PA 16844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: The SFTF will allow the repair of an existing onlot disposal system and replacement of an existing holding tank. The SFTF will serve an existing lodge (an eight bedroom residence generating approximately 900 gpd) and a garage to be converted into a four bedroom residence (500 gpd) on a 788 acre lot.

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

**WQM Permit No. 1109401**, Sewerage, **Pegasus Sewer Authority**, 1296 Clapboard Road, Johnstown, PA 15904-7502. This proposed facility is located in Conemaugh Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, grinder pump-pressure sewer systems and Hornet Avenue Pump Station modifications to serve the area of East Side/Frankstown Road, Roberts Road and Cover Hill.

**WQM Permit No. 6510404**, Sewerage, **Municipal Authority of Washington Township**, 285 Pine Run Church Road, Apollo, PA 15613. This proposed facility is located in Washington Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, a new pump station and force main to serve Upper Pine Run Watershed, and the Westmoreland Business and Industrial Park.

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

**WQM Permit No. 2072402**, Sewerage, **Amendment No. 1, Thomas P. Buie, d/b/a Springhill Estates MHP**, 11822 West Lake Road, East Springfield, PA 16441. This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of permit for installation of a new septic tank and surface sand filters, to service an existing malfunctioning sewage treatment facility septic system to service a 19 residential mobile home park.

**WQM Permit No. 4209404**, Sewerage, **Daniel H. Preston**, 100 3rd Lane, Kane, PA 16001. This proposed facility is located in Sergeant Township, **McKean County**.

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

**WQM Permit No. WQG018739**, Sewerage, **Eugene and Melissa Riley**, 321 Shoffstall Road, Brookville, PA 15825. This proposed facility is located in Oliver Township, **Jefferson County**.

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

**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**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509033	Mr. Matthew J. Mullen 600 Thorncroft Drive West Chester, PA 19380	Chester	East Goshen Township	Ridley Creek HQ-TSF
PAI01 151001	Side By Side Construction 3025 Washington Road McMurray, PA 15317	Chester	East Nantmeal Township	East Branch Brandywine Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204005R	Goodwin Excavating, Inc. 1186 Owego Turnpike Honesdale, PA 18431	Pike	Palmyra Township	Decker Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032210001	Michael Keiser Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103	Dauphin	Williams Township	Wiconisco Creek WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055609001	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Somerset	Jefferson and Lincoln Townships	UNT to Crab Run HQ-CWF Laurel Hill Creek Basin

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage



PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
New Britain Township Bucks County	PAG200 0909094	Line Lexington Mennonite Church 80 Hilltown Pike P. O. Box 217 Line Lexington, PA 18932	Unnamed Tributary West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG200 1504103-R	DHLP-Oakcrest, LP 435 Devon Park Drive Suite 613 Wayne, PA 19087	Unnamed Tributary to Sucker Run, Rock Run and West Branch Brandywine Creek WWF-TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Delaware County	PAG0200 231001	Cheyney University 1837 University Circle Cheyney, PA 19319	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG0200 4608046-1	Upper Gwynedd Township P. O. Box 1 Parkside Place West Point, PA 19486	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG200 4609077	General Hancock Partnership 2312 North Broad Street Lansdale, PA 18915	Unnamed Tributary Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG0200 4609111	Paul Coyle 510 Kane Drive Ambler, PA 19002	Rose Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAG0200 4607159	North Grange, LLC 1505 Skippack Pike Blue Bell, PA 19422	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG0200 4610012	Willow Mill Development 204 Harding Avenue Bellmawr, NJ	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511008	CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middle Smithfield Township Monroe County	PAG2004509002	East Stroudsburg Borough Attn: James Phillips P. O. Box 303 East Stroudsburg, PA 18301	Sambo Creek CWF, MF	Monroe County Conservation District 570-629-3060
Lower Paxton Township Dauphin County	PAG2002210005	Eastern Development & Planning, Inc. 7300 Derry Street Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Paxton Township Dauphin County	PAG2002209037	Cider Press Associates, LLC 474 Mt. Sidney Road Lancaster, PA 17602	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Londonderry Township Dauphin County	PAG2002210006	R.E. Wright 13 Para Avenue Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Hamiltonban Township Adams County	PAG2000109010	Robert Gordon Hamiltonban Township Board of Supervisors P. O. Box 526 Fairfield, PA 17325	Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Mt. Pleasant Township Adams County	PAG2000110004	Christine Smith Conewago Resources, LP 660 Edgegrove Road Hanover, PA 17331	UNT to South Branch Conewago Creek—UNT to Swift Run WWF-WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
South Annville Township Lebanon County	PAG2003809005	Dennis L. Hess 575 Trail Road Hummelstown, PA 17036	Quittapahilla Creek- Bachman Run TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 Ext. 4
North Lebanon Township Lebanon County	PAG2002804034-R	Scott Burkholder Landmark Homes 1737 West Main Street Ephrata, PA 17522	Tulpehocken Creek TSF-MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 Ext. 4
Hampden Township Cumberland County	PAG2002105018-R	Richard Yingst Rey, Inc. 4712 Smith Street Harrisburg, PA 17109	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Hampden Township Cumberland County	PAG2002105055-R	Classic Communities Jim Halbert 2151 Linglestown Road Suite 300 Harrisburg, PA 17110	Sears Run— Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Todd Township Huntingdon County	PAG2003110001	Steve A. Berzansky 18614 New Fording Road Broad Top, PA 16621	Great Trough Creek TSF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814-627-1627
Conewago Township York County	PAG2006704044-R	John Huenki Cornerstone Development Group 200 Bailey Drive Suite 202 Stewartstown, PA 17363	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Maidencreek Township Berks County	PAG2000610002	James Hollenbach Hollenbach Construction 166 Holly Road Boyertown, PA 19512	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Ontelaunee Township Berks County	PAG2000609058	Craig Strunk Schuylkill Valley Middle School District 929 Lakeshore Drive Leesport, PA 19533-8631	Lake Ontelaunee— Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Bern Township Berks County	PAG2000604121	Robert Wolfe 1042 Hilltop Road Leesport, PA 19522	Plum Creek WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Irvona Borough Clearfield County	PAG2001709013	Department of Transportation District 2-0 P. O. Box 342 Clearfield, PA 16830-0342	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
City of Williamsport Lycoming County	PAG2004110004	George Hutchinson 155 Phillips Park Drive South Williamsport, PA 17702	Lycoming Creek WWF West Branch Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Allegheny County Kilbuck Township	PAG02050210001	Mark Goldsmith Wal-Mart Real Estate Business Trust 2001 SE 10th Street Bentonville, AR 72716-0550	Ohio River and Tom's Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Butler County Adams and Middlesex Townships	PAG02001005002R	Timothy Kelly Meredith Properties, LLC 147 Link Road Slippery Rock, PA 16057	UNT to Glade Run WWF	Butler County Conservation District 724-284-5270

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Northampton Borough Northampton County	PAR702213	Northampton Generating Company, LP 1 Horwith Drive Northampton, PA 18067	Hokendauqua Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Jackson Township Susquehanna County	PAR212235	Geo. Schofield Co., Inc. 181 Snake Hill Road Jackson, PA 18825	Tunkhannock Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Banks Township Carbon County	PAR602230	Hazleton Oil and Environmental, Inc. 300 Tamaqua Street Hazleton, PA 18201	Catawissa Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Lebanon County Myerstown Borough	PAR203564 (transfer)	Revstone Industries T Castings Holdings, LLC 640 South Cherry Street Myerstown, PA 17067	Tulpehocken Creek TSF 3C	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
North Fayette Township Allegheny County	PAR506113	Deep Valley Coal & Disposal, Inc. 711 Old Steubenville Pike Oakdale, PA 15071	UNT of Pinkertons Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Hampton Township Allegheny County	PAR156101	PPG Industries, Inc. One PPG Place Pittsburgh, PA 15272	Tributary of Pine Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
City of Johnstown Cambria County	PAR806235	Rolling-Frito Lay Sales, LP 408 Inverhaddon Trail Bel Air, MD 21014	St. Clair Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Cumberland Township Greene County	PAR806227	Cumberland Township 100 Municipal Road Carmichaels, PA 15320	UNT of Muddy Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Oliver Township Jefferson County	PAG049568	Eugene and Melissa Riley 321 Shoffstall Road Brookville, PA 15825	Unnamed tributary to Lick Run 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Donegal Township Westmoreland County	PAG056245	OCI, Inc. P. O. Box 899 2561 Memorial Boulevard Connellsville, PA 15425	Minnow Run	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.

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Larry Dull, Sr. 3260 Sunnyside Road Manheim, PA 17545	Lancaster	108	278.4	Broilers	NA	Approved

**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>Application or Action</i>
Lakeland Dairy 272 Angel Road New Wilmington, PA 16142	Mercer and Lawrence	658	1,155	Dairy	NA	Action

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 1509516**, Public Water Supply.  
 Applicant **Superior Water Company**  
 1885 Swamp Pike  
 Gilbertsville, PA 19525  
 Township North Coventry  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603  
 Permit to Construct Issued February 16, 2009

**Permit No. 1510505**, Public Water Supply.  
 Applicant **West Fallowfield Christian School**  
 795 Fallowfield Road  
 Atglen, PA 19310  
 Township West Fallowfield  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Whitehill Consulting Engineers  
 763 Conowingo Road  
 Quarryville, PA 17566  
 Permit to Construct Issued February 25, 2010

**Permit No. 2310502**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township Tinicum  
 County **Delaware**  
 Type of Facility PWS  
 Consulting Engineer C.E.T. Engineering Services, Inc.  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct Issued February 12, 2010

**Permit No. 1510502**, Public Water Supply.  
 Applicant **Mr. William Ross**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township Willistown  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Aqua Services, Inc.  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Permit to Construct Issued January 26, 2010

**Operations Permit 0910508** issued to **Warminster Municipal Authority** 415 Gibson Avenue, Warminster, PA 18974.

(**PWSID No. 1090069**) Warminster Township, **Bucks County** on 03/09/2010, for the operation of Facilities approved under construction permit No. 0908513 for operation of the Well No. 26.

**Operations Permit 1510506** issued to Owen J. Roberts School District, 901 Ridge Road, Pottstown, PA 19465.

(**PWSID No. 1150866**) South Coventry Township, **Chester County** on 03/18/2010, for the operation of Facilities approved under construction permit No. 1508505 for operation of the Nitrate Treatment at Warwick Administration Building.

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

**Permit No. 2209510**, Public Water Supply.  
 Applicant **Steelton Borough Authority**  
 Municipality Steelton Borough  
 County **Dauphin**  
 Responsible Official John M. DeSanto  
 Municipal Division Manager  
 123 North Front Street  
 Steelton, PA 17113  
 Type of Facility Installation of a new transmission main from the filter plant to the distribution system, modifications to the raw water pump house, filter syphon system, clarifiers and replacement of the filter media.  
 Consulting Engineer Paul J. Navarro, P. E.  
 Navarro & Wright Consulting Engineers, Inc.  
 151 Reno Avenue  
 New Cumberland, PA 17070  
 Permit to Construct Issued: 4/6/2010

**Permit No. 2209514 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Middletown Borough Authority**  
 Municipality Middletown Borough  
 County **Dauphin**  
 Responsible Official Peter Pappas, Chairperson  
 60 West Emaus Street  
 Middletown, PA 17057  
 Type of Facility Installation of additional chlorine contact piping at Well Nos. 1, 3, 4 and 6.  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct Issued: 4/12/2010

**Permit No. 3809503 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Fredericksburg Sewer & Water Authority**  
 Municipality Bethel Township  
 County **Lebanon**

Responsible Official James A. Heisey  
Authority Chairperson  
113 East Main Street  
P. O. Box 161  
Fredericksburg, PA 17026

Type of Facility Construction permit for  
construction of a 1.0 million  
gallon finished water storage  
tank.

Consulting Engineer Jeffrey D. Steckbeck  
Steckbeck Engineering Assoc.  
279 North Zinns Mill Road  
Lebanon, PA 17042

Permit to Construct 4/12/2010  
Issued:

**Operations Permit** issued to **Bloomfield Borough Water Authority**, 7500012, New Bloomfield Borough, **Perry County** on 4/8/2010 for the operation of facilities approved under Construction Permit No. 5004502.

**Operations Permit** issued to **West Earl Water Authority**, 7360143, West Earl Township, **Lancaster County** on 4/12/2010 for the operation of facilities approved under Construction Permit No. 3608523.

**Operations Permit** issued to **City of Lancaster**, 7360058, Manheim Township, **Lancaster County** on 3/31/2010 for the operation of facilities approved under Construction Permit No. 3608524.

**Operations Permit** issued to **Morgan Corporation**, 3060815, Caernarvon Township, **Berks County** on 4/12/2010 for the operation of facilities approved under Construction Permit No. 0609511 MA.

**Operations Permit** issued to **Pennsylvania American Water Company**, 3060088, Exeter Township, **Berks County** on 4/5/2010 for the operation of facilities approved under Construction Permit No. 0609518 MA.

**Operations Permit** issued to **Pennsylvania American Water Company**, 3060069, Spring Township, **Berks County** on 4/6/2010 for the operation of facilities approved under Construction Permit No. 0609519 MA.

**Operations Permit** issued to **The Municipal Authority of the Township of East Hempfield**, 7360063, East Hempfield Township, **Lancaster County** on 4/8/2010 for the operation of facilities approved under Construction Permit No. 3610505 MA.

**Operations Permit** issued to **Middletown Borough Authority**, 7220038, Middletown Borough, **Dauphin County** on 4/12/2010 for the operation of facilities approved under Construction Permit No. 2209511 MA.

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

**Permit No. Minor Amendment (7/1/2005)—Operation, Public Water Supply.**

Applicant **Mahoning Township Municipal Authority**

Township or Borough Mahoning Township

County **Montour**

Responsible Official Thomas Mertz, Chairperson  
Mahoning Township  
Municipal Authority  
1101 Bloom Road  
Danville, PA 17821

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date April 7, 2010

Description of Action Operation of the new booster chlorination facility, located on Red Lane, serving the Woods of Welsh Development.

**Permit No. Minor Amendment (9/10/1999)—Operation, Public Water Supply.**

Applicant **Mahoning Township Municipal Authority**

Township or Borough Mahoning Township

County **Montour**

Responsible Official Thomas Mertz, Chairperson  
Mahoning Township  
Municipal Authority  
1101 Bloom Road  
Danville, PA 17821

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date April 7, 2010

Description of Action Operation of the upgraded Route 11 booster pump station and meter pit.

**Permit No. Minor Amendment—Construction, Public Water Supply.**

Applicant **United Water Pennsylvania, Inc.**

Township or Borough South Centre Township

County **Columbia**

Responsible Official Mr. John Hollenbach  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
Harrisburg, PA 17111

Type of Facility Public Water Supply—Construction

Consulting Engineer Arthur Saunders, P. E.  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
Harrisburg, PA 17111

Permit Issued Date April 13, 2010

Description of Action Rehabilitation of the 200,000 gallon Espy elevated finished water storage, including repainting of the tank interior and exterior and completing upgrades.

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

**Permit No. 3007226-MA8, Public Water Supply.**

Applicant **Zelienople Borough**

Township or Borough Zelienople Borough

County **Butler County**

Type of Facility Public Water Supply

Consulting Engineer Tom L. Thompson, P. E.

Permit to Construct 04/09/2010  
Issued

**Permit No. 3709503**, Public Water Supply.  
 Applicant **Scottview Terrace Mobile Home Park**  
 Township or Borough Scott Township  
 County **Lawrence County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Brian K. Rogers, P. E.  
 Permit to Construct Issued 04/12/2010

**Permit No. 7223-T1-MA4**, Public Water Supply.  
 Applicant **Erie City Water Works**  
 Township or Borough Erie City  
 County **Erie County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Craig Bauer, P. E.  
 Permit to Construct Issued 04/13/2010

**Operations Permit** issued to **Jay Township Water Authority**, PWSID No. 6240005, Jay Township, **Elk County**, April 9, 2010; Permit No. 2493501-MA6, for the use of polyaluminum chloride for coagulation and a polyorthophosphate blend for general corrosion control. This operations permit is issued in response to multiple inspections conducted by Department of Environmental Protection personnel, and represents a change in manufacturer/product name for the Polyaluminum Chloride and liquid phosphate blend.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility for the nine acre property owned by Chad Swogger. The proposed sewage flows are 400 gallons per day with a discharge to Sugar Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

#### Notice of Proposed settlement under HSCA/CERCLA

#### Limerick Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act 35 P. S. §§ 6020.101—6020.1305 (HSCA), and the Comprehensive Environmental Response, Com-

pensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.*, has entered into a proposed Settlement Agreement with Stanley Black & Decker, Inc. and Teleflex Incorporated regarding the Turtle Creek HSCA Site (Turtle Creek Site) in Limerick Township, Montgomery County, PA.

The Turtle Creek Site involves a plume of groundwater contamination associated with two properties located at 640 North Lewis and 508 North Lewis Roads in Royersford, PA. The groundwater contamination consists primarily of volatile organic compounds (VOCs) stemming from certain manufacturing operations at the two identified properties which has impacted adjacent residential areas in Limerick Township.

Under the terms and conditions of the Settlement Agreement, Stanley Black & Decker, Inc. and Teleflex Incorporated will: (1) supply carbon filters or bottled water to residents with contamination levels at or above one-half of the standards established by the USEPA under the Safe Drinking Water Act during an interim period; (2) design and construct a public water line to residents with wells exhibiting contamination at or above one-half of the Safe Drinking Water Act Standards; (3) complete any and all soils and/or groundwater remediation consistent with the Department's Land Recycling and Environmental Remediation Standards Act; and (4) reimburse the Department for response costs incurred at the Site. The Department has lodged the Settlement Agreement with the Commonwealth Court for notice and public comment.

This notice is provided under 35 P. S. § 6020.1113. The Settlement Agreement may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA by contacting either Megan Harkins at 484-250-5721 or Anderson Lee Hartzell at 484-250-5866. A public comment period on the Settlement Agreement will extend for a period of 60 days from the date of this notice. Interested persons may submit written comments regarding the Settlement Agreement to the Department by submitting them to Megan Harkins at the above address.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and re-



ports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Verdelli Farms Property**, Hummelstown Borough, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Verdelli Realty, P. O. Box 133, Hummelstown, PA 17036, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an underground storage tank. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard. Groundwater will be addressed in a separate report.

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

**Bolton Metal Products formerly Cerro Metal Products-North Yard**, Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with trichloroethylene (TCE). The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bolton Metal Products formerly Cerro Metal Products-Plant 1**. Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with trichloroethylene (TCE) that contained polychlorinated biphenyls (PCBs) Aroclor 1248. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bolton Metal Products formerly Cerro Metal Products-Plant 4**. Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with hydraulic oil that contained polychlorinated

biphenyls (PCBs) Aroclor 1248. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bolton Metal Products formerly Cerro Metal Products-South Spring, Eastern Hillside, and South Yard**. Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Remedial Investigation Report concerning site soil contaminated with metals. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Clearfield Former MGP Site**. Clearfield Borough, **Clearfield County**. The Mahfood Group, 250 Millers Run Road, Bridgeville, PA 15017 on behalf of UGI Utilities, Inc., 2525 North 12th Street, Reading, PA 19605 has submitted a Risk Assessment/Cleanup Plan concerning remediation of site soil and groundwater contaminated with polycyclic aromatic hydrocarbons (PAHs) and benzene, toluene, ethylbenzene, and xylenes (BTEX). The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Lock Haven Bald Eagle St. Former MGP Site**, City of Lock Haven, **Clinton County**. The Mahfood Group, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of UGI Utilities, Inc., 2525 North 12th Street, Suite 360, Reading, PA 19612 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with benzene, toluene, ethylbenzene, and xylenes (BTEX) and polycyclic aromatic hydrocarbons (PAHs). 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

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**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).**

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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 circum-

stances, 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.*

**Cornell Residence**, Northampton Township, **Bucks County**. Thomas Hippensteal, Envirosearch Consultants, Inc., P. O. Box 940, Springhouse, PA 19477 on behalf of Joanne Cornell, 247 Mallard Road, Holland, PA 18966 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 23, 2009.

**Morrell Plaza**, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Gerald Pouncey, MAG II, Morrell Plaza, LP, 3343 Peachtree Road, N.E. Atlanta, GA 30326 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved or disapproved by the Department of Environmental Protection on August 10, 2009.

**Ward Residence**, East Goshen Township, **Chester County**. Michael Sarcinello, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 26, 2010.

**Mac & Sam, Inc.**, Clifton Height Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of James Salmon, Clifton Heights Community and Economic Development, P. O. Box 83, Clifton Heights, PA 19018 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment

of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 24, 2010.

**Specialty Produce & Service Inc.** Bedminster Township, **Bucks County**. Jeremy Bolyn Environmental Maintenance Company, Inc., 142- 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 the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 25, 2010.

**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 the remediation of site soil contaminated with No. 2 fuel oil. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 26, 2010.

**SC Loveland Piers 66 69 N**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Berks Street Corporation, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 30, 2010.

**Sloan Residence**, Solebury Township, **Bucks County**. John Van Wagenen, Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 18, 2010.

**Umbria Street Property**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Clean Plan/Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with PAH, PCE, chlorinated solvents and metals. The Clean Plan/Remedial Investigation Report was disapproved by the Department of Environmental Protection on June 15, 2009.

**Dudko Residence**, Upper Salford Township, **Montgomery County**. Staci Cottone, J&J Spill Services and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Peter Dudko, 3030 Barndt Road, Telford, PA 18969 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 22, 2010.

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

**Bethlehem Commerce Center—Lot 14**, 1805 East 4th Street, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Cleanup Plan (on behalf of her client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soils found to have been impacted by inorganics, VOCs and SVOCs as a result of historical manufacturing operations at the site. The Report met the requirements of the Site-Specific Standard for soils and was approved by Central Office on March 17, 2010.

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

**Jeff Steinbach Property**, Derry Township, **Mifflin County**. ATC Associates, Inc., 101 Allegheny Street, Suite 2B, Hollidaysburg, PA 16648, on behalf of Jeff Steinbach, 26 North Mann Avenue, Yeagertown, PA 17099, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on April 7, 2010.

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

**McLeod Express, LLC I-80 Accident Site**, White Deer Township, **Union County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of McLeod Express, LLC, 5002 Cundiff Court, Decatur, IL 62526 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 8, 2010.

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

**Pangburn Seep (former)**, Forward Township, **Allegheny County**. D'Appolinia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Reserve Coal Properties Company, 1800 Washington Road, Pittsburgh, PA 15241 had submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics and other organics. The Final Report was approved by the Department of Environmental Protection on January 14, 2010. An Environmental Covenant has been executed for the Site.

**1215 Federal Street**, City of Pittsburgh, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Andrew Stewart, The Silk and Stewart Development Group, 5812 Darlington Road, Pittsburgh, PA has submitted a Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The Risk Assessment and Cleanup Plan was approved by the Department of Environmental Protection on April 1, 2010.

**Rosedale Tract KOZ and Lower Ore Yard KOZ**, City of Johnstown, **Cambria County**. L. Robert Kimball & Associates, 615 West Highland Avenue, P. O. Box 1000, Ebensburg, PA 15931 on behalf of the Johnstown Redevelopment Authority, 401 Washington Street, 4th Floor, Johnstown, PA 15901 has re-submitted a previously withdrawn Cleanup Plan concerning the remediation of site soil contaminated with heavy metals.

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

**Former Universal-Rundle Corporation**, Taylor Township, **Lawrence County**. ENVIRON Corporation, 214 Carnegie Center, Princeton, NJ 08540-6284 on behalf of Mr. Reed Beidler, 1235 Hartrey Avenue, Evanston, IL 60202 has submitted a Remediation Investigation/Final Report concerning the remediation of site soils contaminated with acenaphthene, acenaphthylene, acetone, anthracene, arsenic, barium and compounds, benzene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[ghi]perylene, benzo[k]fluoranthene, bis[2-ethylhexyl]phthalate, cadmium, chromium (III), chrysene, copper, free cyanide, dibenzo[a,h]anthracene, ethyl benzene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, lead, mercury, naphthalene, nickel, pyrene, selenium, silver, styrene, tetrachloroethylene (PCE), toluene, xylenes (total), zinc and compounds and site groundwater contaminated with bis[2-ethylhexyl]phthalate, bromodichloromethane, cadmium, carbon disulfide, chloroform, cumene, free cyanide, dibromomethane, dichloroethylene, cis-1,2-dichloroethylene, fluorene, lead, 2-methylnaphthalene, alpha methylstyrene, nickel, phenanthrene, selenium, styrene, tetrachloroethylene (PCE), toluene and zinc compounds. The Remedial Investigation/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on April 7, 2010.

**Salem Tube**, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Salem Tube, Inc., 951 Fourth Street, Greenville, PA 16125 has submitted a Remedial Investigation Report concerning the remediation of site soil and site groundwater contaminated with trichloroethylene (TCE) and its degradation products, including cis 1-2 dichloroethene and vinyl chloride. The Remedial Investigation Report was approved by the Department of Environmental Protection on April 9, 2010.

#### RESIDUAL WASTE GENERAL PERMITS

**Permits Renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and 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 Number WMGR121. TerrAqua Resource Management, LLC**, 1000 Commerce Park Drive, Williamsport, PA 17701-5475. General Permit Number WMGR121 authorizes chemical and physical processing of raw gas well flow-back and produced water ("frac" water), generated during hydraulic fracturing and extraction of natural gas from the Marcellus Shale geologic formation to be used as makeup water for further hydraulic fracturing and extraction of natural gas at drilling and production operations in the Marcellus Shale. The permit was issued by Central Office on April 7, 2010.

Persons interested in reviewing the general permit may contact Scott E. Walters, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg,

PA 17105-8472, 717-787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

**General Permit No. WMGR038NC007. Recycling Environmental Group, Inc.**, 125 Railroad Street, Moosic, PA 18507. Recycling Environmental Group, Inc. is doing business as Booth and Son's Tire and Iron in Hemlock Township, **Columbia County**. This facility is a waste tire processing facility in which whole tires are shredded into various sizes and sold to end-users. The permit was issued by Northcentral Regional Office on April 5, 2010.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

*Registration Under General Permit No. WMGR 090R057. Wilson Paving, Inc., 480 West Old York Road, Carlisle, PA 17013-7503.*

**General Permit Number WMGR090** authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on April 9, 2010.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact C.D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### AIR QUALITY

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

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

**GP9-23-0009: Diamond Materials, LLC.** (924 South Heald Street, Wilmington, DE 19801) on April 12, 2010,

to operate a diesel/No. 2 fuel-fired internal combustion units in Concord Township, **Delaware County**.

**GP3-23-0020: Diamond Materials, LLC.** (924 South Heald Street, Wilmington, DE 19801) on April 12, 2010, to operate a portable nonmetallic mineral processing plant in Concord Township, **Delaware County**.

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

**GP5-30-00190: Chief Gathering, LLC, Greene County,** Columbia Rice Compressor Station (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) for the new facility to include a Caterpillar 1,340 bhp compressor engine, a Caterpillar 670 bhp compressor engine, one 0.375 mmBtu/hr glycol dehydrator reboiler and one 12.0 mmscf/d glycol dehydrator in Gilmore Township, **Greene County**.

**GP-3-56-00310: PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541) on March 31, 2010, to allow the installation and operation of one Portable Nonmetallic Mineral Processing Plant, rated at 200 tons per hour, at their Blue Lick No. 4 Surface Mine, off Bluelick Road, in Brothersvalley Township, **Somerset County**.

**GP-9-56-00310: PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541) on March 31, 2010, to allow installation and operation of Three (3) Diesel Fuel-Fired Internal Combustion Engines, One (1) of 300-bhp, One (1) of 110-bhp and One (1) of 48.8-bhp, to power equipment in One (1) Portable Nonmetallic Mineral Processing Plant, at the Blue Lick No. 4 Surface Mine, off Bluelick Road, in Brothersvalley Township, **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.*

**GP1-24-150A: Horizon Wood Products** (624 Shelvey Summit, Kersey, PA 15846) on March 30, 2010, to operate a natural gas fired boiler (BAQ-GPA/GP-1) in Fox Township, **Elk County**.

**GP14-25-1026A: A. Brugger and Sons Funeral Home, LLP** (845 East 38th Street, Erie, PA 16504) on March 26, 2010, to operate a human cremation unit (BAQ-GPA/GP-14) in the City of Erie, **Erie County**.

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

**39-323-006GP4: Victaulic Co.** (P. O. Box 31, Easton, PA 18044-0031) on March 31, 2010, to install and operate a new Burn Off Oven at their site in Alburty's Borough, **Lehigh County**.

**39-302-196GP1: Sacred Heart Hospital** (421 Chew Street, Allentown, PA 18102-3490) on March 31, 2010, to operate a three (3) York Shipley Boilers at their site in Allentown, **Lehigh 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.*

**09-0211: Pennridge School District** (1228 North 5th Street, Perkasie, PA 18944) on April 8, 2010, to install three (3) 12.4 mmBtu/hr hot water boilers at an existing facility in East Rockhill Township, **Bucks County**. The boilers will use natural gas and No. 2 fuel oil. The facility will comply with good air pollution control practices, monitoring and recordkeeping procedures 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.*

**39-332-001: B. Braun Medical, Inc.** (901 Marcon Boulevard, Allentown, PA 18109) on March 23, 2010, to re-activate an ETO sterilizer (source 109) at their existing facility in Hanover Township, **Lehigh County**.

**54-399-044: Future Power PA** (72 Glenmaura National Boulevard, Moosic, PA 18507) on April 2, 2010, to construct and operate an Anthracite Coal fired IGCC (Integrated Gas Combined Cycle) plant with controls at their facility in Porter and Frailey Townships, **Schuylkill 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 Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**67-05114B: BAE Systems Land & Armaments, LP** (P. O. Box 15512, York, PA 17405-1512) on April 6, 2010, for surface coating operations at their facility in West Manchester Township, **York County**.

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

**25-035B: Molded Fiber Glass** (55 Fourth Avenue, Union City, PA 16438) on April 5, 2010, to install two (2) reaction injection molding presses at their facility in Union City Borough, **Erie County**. This is a Title V facility.

**37-121A: Flowline Division of Markovitz Enterprises, Inc.** (1400 New Butler Road, P. O. Box 7027, New Castle, PA 16107-7027) on March 29, 2010, for plan approval to replace existing vapor degreaser unit at their facility in Shenango Township, **Lawrence County**.

**67-05020A: Exelon Generation Co., LLC** (1848 Lay Road, Delta, PA 17314-9032) on March 30, 2010, for a modification of Boiler B, at their power plant in Peach Bottom Township, **York County**.

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

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

**09-0010A: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on April 7, 2010, to operate the new granulation department suite in West Rockhill Township, **Bucks County**.

**09-0198: Mount Materials, LLC** (427 South White Horse Pike, Berlin, NJ 08009) on April 6, 2010, for minor modification of a Portable Nonmetallic Mineral Processing Plant in Falls Township, **Bucks County**. Diesel-Fired Internal Combustion Engines are used to power the processing equipment. Raw, asphalt-brick-concrete materials are processed into Dense Graded Aggregate (DGA). The only pollutant of concern from the proposed operation is PM emissions, which will be controlled by a water spray dust suppression system. The Plan Approval contains recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0203: AE Polysilicon Corp.** (150 Roebling Road, Fairless Hills, PA 19030) on April 3, 2010, for the minor modification of the Plan Approval No. 09-0203 for the removal of stack testing conditions for overall removal of hydrogen chloride gases in the Process Scrubber System (Source ID No. C100), addition of language limiting the level of scrubber solution in the separator tank associated with the Process Scrubber System with conditions for monitoring and recording the liquid level in the tank, and the change of allowable pH values from 13 to 13.4 to assure the concentration of sodium hydroxide in the scrubber solution is greater than 1% by weight. The facility is currently under construction and is in Falls 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 Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**06-05105A: Green Gas-Pioneer Crossing Energy, LLC** (2809 Boston Street, Suite 340, Baltimore, MD 21224-4849) on April 6, 2010, to modify their Plan Approval for their facility in Exeter Township, **Berks County**.

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

**32-00040B: RRI Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on April 11, 2010, to extend a plan approval with an expiration date of October 11, 2010, to allow for continued temporary operation of the sources covered under plan approval PA-32-00040B at the RRI Energy Seward Generating Station, in East Wheatfield Township, **Indiana County**. The plan approval has been extended.

**26-00579A: Tri-State Bio Fuels, LLC** (Thompson Recovery Road, Lemont Furnace, PA 15456) on April 1, 2010, for a plan approval extension with an expiration date of October 1, 2010, at their Lemont Pellet Plant, a wood pellet manufacturing plant in North Union Township, **Fayette County**. The plan approval has been extended.

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

**24-131M: SGL Carbon, LLC** (900 Theresia Street, St. Marys, PA 15857) on April 30, 2010, to construct a new CVD Reactor 8 (Source 7104) and associated scrubber system (C7104), in the City of Saint Marys, **Elk County**. This is a CAM source. This is Title V facility.

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

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

**15-00037: Oberthur Technologies** (523 James Hance Court, Exton, PA 19341) on April 12, 2010, to operate credit and security card manufacturing in West Whiteland Township, **Chester County**. This action is a renewal of the Title V Operating Permit. The initial permit was issued on December 10, 1999. No new sources are being added under this permit renewal. The facility shall continue to be subject to a Plantwide Applicability Limit (PAL) of 47.895 tons per 12-month rolling period for VOC. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The operating permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

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

**06-05112: WBLF Acquisition Co., LLC** (455 Popular Neck Road, Birdsboro, PA 19508) on April 1, 2010, for their municipal solid waste landfill in Cumru Township, **Berks County**.

**06-05002: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522-8541) on March 30, 2010, to modify their Title V Operating Permit at their facility in Maiden creek Township, **Berks County**.

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

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

**48-00053: Lifetime Doors, Inc.** (4111 Kesslerville Road, Easton, PA 18040-6633) a State-only Operating Permit for manufacturing of wood doors, in Easton City, **Northampton County**.

**40-00054: Barletta Materials & Construction, Inc.** (P. O. Box 550, Tamaqua, PA 18252) on April 3, 2010, to operate a batch asphalt plant and rock crushing operation and associated air cleaning devices in Nescopeck Township, **Luzerne County**. This is a renewal of the State-only Synthetic Minor Operating Permit. The State-only operating permit includes emissions, work practice stan-

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

**54-00037: Copperhead Chemical Co., Inc.** (120 River Road, Tamaqua, PA 18252) on March 30, 2010, to re-issue a State-only (Natural Minor) Operating Permit for operation of two (2) boilers, an acetone recovery system, and a pharmaceutical manufacturing process in Walker Township, **Schuylkill 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 Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**01-03017: Premier Chemicals, LLC** (300 Barr Harbor Drive, Suite 250, West Conshohocken, PA 19428-2998) on April 1, 2010, for their mineral ore milling facility located in Menallen Township, **Adams County**. This is a renewal of the State-only operating permit.

**67-05106: Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368-0040) on April 7, 2010, for their foundry in Wrightsville Borough, **York County**. This is a renewal of the existing operating permit.

**67-05107: Crown Cork & Seal Co. USA, Inc.** (1650 Broadway, Hanover, PA 17331-8118) on April 6, 2010, for their facility in Penn Township, **York County**. This is a renewal of the existing operating permit.

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

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

**06-05037: McConway & Torley, LLC** (109 48th Street, Pittsburgh, PA 15201-2755) on March 26, 2010, for their steel melting process in Kutztown Borough, **Berks County**. This is an administrative amendment to incorporate plan approval No. 06-05037G.

**06-05037: McConway & Torley, LLC** (109 48th Street, Pittsburgh, PA 15201-2755) on March 26, 2010, for their steel melting process in Kutztown Borough, **Berks County**. This is an administrative amendment to incorporate plan approval No. 06-05037G.

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

**04-00724: DCP Midstream, LP** (370 17th Street, Suite 2500, Denver, CO 80202) on April 17, 2010, for an Administrative Amendment to change the name of the Responsible Official Contact of the Midland Propane Terminal to Joseph Kuchinski, VP Operations, North. The Midland Propane Terminal is located in Industry Borough, **Beaver County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Applications Returned

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

**02090101 and NPDES Permit No. PA0251585. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Application for land use change at a bituminous surface/auger mining site located in Jefferson Hills Borough, **Allegheny County**, affecting 79.9 acres. Receiving streams: unnamed tributary to the Monongahela River. Application received: January 19, 2010. Application returned: April 7, 2010.

### Coal Permits Actions

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

**56060108 and NPDES No. PA0249921. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving stream(s): unnamed tributaries to and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 27, 2010. Permit issued: April 8, 2010.

**56040104 and NPDES No. PA0249599. AMFIRE Mining Company, LLC**, One Energy Place, Suite 7500, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 100.2 acres. Receiving stream(s): unnamed tributaries to and Flat Run, unnamed tributaries to and Gum Run, Roaring Run, Quemahoning Creek and Stonycreek River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. Application received: January 15, 2010. Permit issued: April 8, 2010.

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

**03830116 and NPDES Permit No. PA0599727. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215). Permit renewed for continued operation and

reclamation of a bituminous surface/auger mining site located in Kittanning Township, **Armstrong County**, affecting 830 acres. Receiving streams: unnamed tributaries of Mill Run to Cowanshannock Creek to the Allegheny River. Application received: February 4, 2010. Renewal issued: April 7, 2010.

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

**61090103 and NPDES Permit No. PA0258784. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Irwin Township, **Venango County** affecting 58.5 acres. Receiving streams: Two unnamed tributaries to North Branch Slippery Rock Creek. Application received: August 21, 2009. Permit Issued: April 8, 2010.

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

**17990112 and NPDES No. PA0238350. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Permit renewal for the continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 128.0 acres. Receiving streams: Banian Run (Cold Water Fishery), to Clearfield Creek (Warm Water Fishery) to the West Branch of the Susquehanna River (Warm Water Fishery). There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2010. Permit issued: April 1, 2010.

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

**54-305-014GP12. Waste Management & Processors, Inc.**, (P. O. Box K, Frackville, PA 17931), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54080201 in Port Carbon, Palo Alto and Mechanicsburg Boroughs, **Schuylkill County**. Application received: March 2, 2010. Permit issued: April 8, 2010.

**54840206R5. William Penn Breaker, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing coal refuse reprocessing operation for reclamation activities only in West Mahanoy Township, **Schuylkill County** affecting 164.3 acres, receiving stream: none. Application received: September 2, 2009. Renewal issued: April 9, 2010.

### Noncoal Permits Actions

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

**26990301 and NPDES Permit No. PA0202584. Vanderbilt Aggregates, LLC** (P. O. Box 125, Uniontown, PA 15401-1328). NPDES Renewal issued for continued reclamation of a noncoal surface mining site located in Dunbar Township and Vanderbilt Borough, **Fayette County**, affecting 297 acres. Receiving streams: unnamed tributaries to Dickerson Run to Dickerson Run to Youghiogheny River. Application received: December 23, 2009. NPDES Renewal issued: April 7, 2010.

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

**37990302. Cemex, Inc.** (840 Gessner, Suite 1400, Houston, TX 77024) Renewal of existing NPDES No. PA0241547 in Shenango and Wayne Townships, **Lawrence County**. Receiving streams: Unnamed tributaries to Snake Run and unnamed tributaries to the

Beaver River. Application received: February 8, 2010. Permit Issued: April 7, 2010.

**16100801. Dave's Tiltbed Service** (96 Dave's Storage Lane, Clarion, PA 16214) Commencement, operation and restoration of a small shale operation in Clarion Township, **Clarion County** affecting 2.0 acres. Receiving streams: Unnamed tributary to Brush Run and unnamed tributary to the Clarion River. Application received: February 23, 2010. Permit Issued: April 8, 2010.

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

**7775SM12C6 and NPDES Permit No. PA0223573. Highway Materials, Inc.**, (1750 Walton Road, Blue Bell, PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Alsace Township, **Berks County**, receiving stream: unnamed tributary to Laurel Run. Application received: February 19, 2010. Renewal issued: April 6, 2010.

**58090826. David Compton**, (R. R. 1, Box 1080, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Apolacon Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: November 4, 2009. Permit issued: April 8, 2010.

**8073SM4A2C9 and NPDES Permit No. PA0594849. Reading Materials, Inc.**, (P. O. Box 1467, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Pottsgrove Township, **Montgomery County**, receiving stream: Sanatoga Creek. Application received: February 18, 2010. Renewal issued: April 9, 2010.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### *Blasting Permits Actions*

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

**65104002. Westmoreland Waste, LLC** (111 Conner Lane, Belle Vernon, PA 15012). Blasting activity permit for construction to add cells S2 and S3 to the Sanitary Landfill, located in Rostraver Township, **Westmoreland County**. The expected duration of blasting is nine months. Permit issued: April 7, 2010.

**65104003. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for construction of the Delmont Compressor Station Project, located in Delmont Borough, **Westmoreland County**. The expected duration of blasting is four months. Permit issued: April 7, 2010.

**30104003. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for construction of the CNX Gas Well Project, located in Morris Township, **Greene County**. The expected duration of blasting is four months. Permit issued: April 7, 2010.

**02104001. Waste Management, Inc.** (600 Thomas Street, Monroeville, PA 15146). Blasting activity permit

for construction of the Monroeville Landfill cell, located in Monroeville Township, **Allegheny County**. The expected duration of blasting is one year. Permit issued: April 8, 2010.

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

**42104008. Conquest Seismic Services** (504 1st Center, Horseheads, NY 14845) Blasting Activity Permit for seismic exploration in Hamlin, Sergeant, Jones and Wetmore Townships, **McKean** and **Elk Counties**. This blasting activity permit will expire on November 30, 2010. Application received: March 30, 2010. Permit Issued: April 5, 2010.

**42104006. Minard Run Oil Company** (609 South Avenue, P. O. Box 18, Bradford, PA 16701-3977) Blasting Activity Permit for stone removal in Lafayette Township, **McKean County**. This blasting activity permit will expire on July 1, 2010. Application received: March 29, 2010. Permit Issued: April 5, 2010.

**33104003. Tidelands Geophysical Company** (101 East Park Boulevard, Suite 955, Plano, TX 75074) Blasting Activity Permit for seismic exploration in Pine Creek, Warsaw, Winslow and Washington Townships, **Jefferson County**. This blasting activity permit will expire on December 31, 2010. Permit Issued: April 8, 2010.

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

**67104107. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Hanover Gateway in Hanover Borough, **York County** with an expiration date of November 30, 2010. Permit issued: April 6, 2010.

**09104102. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for Plumstead Chase in Plumstead Township, **Bucks County** with an expiration date of April 1, 2011. Permit issued: April 7, 2010.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal



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

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

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

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

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

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E22-551: Lower Swatara Township**, 1499 Spring Garden Drive, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

The applicant proposes to:

1. construct and maintain a 128-foot long, 20-foot wide by 9-foot high box culvert with baffles, depressed 1.0 foot into the streambed of an unnamed tributary to Susquehanna River (Steelton, PA Quadrangle Latitude: 40° 11' 57"; Longitude: -76° 45' 23", N: 13.5 inches; W: 0.8 inch);

2. construct and maintain a 60-foot long, 19-foot wide by 9-foot high box culvert with baffles, depressed 1.0 foot into the streambed of an unnamed tributary to Susquehanna River (Steelton, PA Quadrangle Latitude: 40° 11' 58"; Longitude: -76° 45' 21", N: 13.8 inches; W: 0.8 inch);

3. construct and maintain a 32-foot long, 20-foot wide by 9-foot high box culvert with baffles, depressed 1.0 foot into the streambed of an unnamed tributary to Susquehanna River (Steelton, PA Quadrangle Latitude: 40° 11' 55"; Longitude: -76° 45' 19", N: 13.5 inches; W: 0.6 inch);

4. remove 465.0 feet of dual 60-inch diameter Reinforced Concrete Pipe culverts and construct and maintain 292.0 feet of open stream with floodplain bench (Steelton, PA Quadrangle Latitude: 40° 11' 58"; Longitude: -76° 45' 20", N: 13.5 inches; W: 0.7 inch); and

5. construct and maintain 16 outfall structures discharging to an unnamed tributary to the Susquehanna River along the proposed Meade Avenue corridor (Steelton, PA Quadrangle Latitude: 40° 11' 58"; Longitude: -76° 45' 20", N: 13.5 inches; W: 0.7 inch).

The purpose of the project is to extend Meade Avenue to SR 230, providing improved access to the Linden

Centre Property, the SARAA property, Hunter Lane and University Drive, involving regulated activities in Lower Swatara Township, Dauphin County.

**E36-862: Little Conestoga Creek Stream Restoration, Derek Reese, President, Little Conestoga Watershed Alliance**, P. O. Box 6355, Lancaster, PA 17607, Manor and Lancaster Townships, **Lancaster County**, ACOE Baltimore District.

To restore and stabilize 3,800.0 linear feet of the Little Conestoga Creek (WWF) including the construction and maintenance of seven J-hook rock vanes, six cross rock vanes, one half rock vane, four root wads, four cover logs, a 20-foot herbaceous/forested riparian buffer width along both sides of the creek and random boulder placements utilizing Fluvial Geomorphology (FGM), in and along the Little Conestoga Creek (WWF) for the purpose of restoring stable channel geometry, stabilizing the streambanks, improve flood storage capacity, and improve fish habitat at a point just north of the intersection of Clover Hill Road and West Ridge Drive within the property of the Conestoga Country Club (Lancaster, PA Quadrangle 4.5-inches North; 15.0 inches West, Latitude: 40° 01' 28.09" N; Longitude: 76° 21' 14.92" W) in Manor and Lancaster Townships and Millersville Borough, Lancaster County.

**E22-552: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Williams Township, **Dauphin County**, ACOE Baltimore District.

The applicant proposes to: (1) raze the existing SR 0209 RC T-Beam bridge, having three spans, a width of 29.8 feet, a total span of 118.5 feet, and an underclearance of 11.8 feet over Wiconisco Creek (WWF); (2) construct and maintain a two-span PS Box Beam bridge, having a width of 51.8 feet, a total span of 127.4 feet, and an underclearance of 11.8 feet, carrying SR 0209 over Wiconisco Creek (WWF); (3) permanently relocate 92.0 linear feet of an unnamed tributary (UNT) to Wiconisco Creek (WWF); (4) perform maintenance activities on an existing 48-inch diameter RCP culvert in a UNT to Wiconisco Creek (WWF) and construct and maintain an 8-foot extension of the existing 48-inch diameter RCP culvert; and (5) permanently impact 0.03 acre of PEM wetland in Williams Township, Dauphin County (Tower City, PA Quadrangle N: 15.0 inches; W: 11.6 inches, Latitude: 40° 34' 58"; Longitude: 76° 35' 1") all for the purpose of providing a new bridge that is functionally and structurally adequate, and improve safety by introducing a dedicated left turn lane for southbound SR 0209 traffic turning into the adjacent Williams Valley School complex. The amount of wetland impact is considered a de minimus impact of 0.03 acre, and wetland replacement is not required.

*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. Both the 0.09-acre of wetland and 10-feet of watercourse impacts incurred for activities authorized herein shall be 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.

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

**E33-240, Department of Transportation, District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701. Pine Creek Township, **Jefferson County**, ACOE Pittsburgh (Brookville, PA Quadrangle N: 41° 09' 10"; W: 79° 03' 10").

To remove the existing bridge and to construct and maintain a steel multi girder bridge having two normal spans of 61 feet and a minimum underclearance of 13.35 feet on a 70° skew with the alignment shifted approximately 30 feet downstream across Sandy Lick Creek on SR 2023, Section 551, Segment 0270, Offset 2862 approximately 200 feet south of SR 322.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute

provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

ESCGP-1 # ESX10-117-0068  
 Applicant Name East Resources, Inc.  
 Contact Person Mr. Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) UNT to Brion Creek/Susquehanna River Basin  
 Secondary—Roaring Branch—Lycoming Creek to West Branch Susquehanna

ESCGP-1 # ESX10-117-0072  
 Applicant Name East Resources, Inc.  
 Contact Person Mr. Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) Salt Spring Run/West Branch Susquehanna River Basin  
 Roaring Branch

ESCGP-1 # ESX10-117-0073  
 Applicant Name East Resources, Inc.  
 Contact Person Mr. Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga

Township(s) Deerfield Township  
Receiving Stream(s) and Classification(s) UNT to Crooked  
Creek  
Secondary—Crooked Creek

ESCGP-1 # ESX10-015-0082  
Applicant Name East Resources, Inc.  
Contact Person Mr. Jefferson Long  
Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Bradford  
Township(s) Canton Township  
Receiving Stream(s) and Classification(s) Beech Flats  
Creek/Lackawanna River Basin  
Secondary—Beech Flats Creek to Towanda Creek

ESCGP-1 # ESX10-117-0069  
Applicant Name East Resources, Inc.  
Contact Person Mr. Jefferson Long  
Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Charleston Township  
Receiving Stream(s) and Classification(s) UNT to Charles-  
ton Creek  
Secondary—UNT to Wilson Creek

ESCGP-1 # ESX10-117-0074  
Applicant Name East Resources, Inc.  
Contact Person Mr. Jefferson Long  
Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Rutland and Sullivan Townships  
Receiving Stream(s) and Classification(s) UNT to Elk Run

ESCGP-1 # ESX10-015-0084  
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 Township  
Receiving Stream(s) and Classification(s) UNT to North  
Branch Sugar Creek

ESCGP-1 # ESX10-015-0079  
Applicant Name Talisman Energy, Inc.  
Contact Person Eric Potter  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Wells Township  
Receiving Stream(s) and Classification(s) Mill Creek

ESCGP-1 # ESX10-015-0085  
Applicant Name Talisman Energy, Inc.  
Contact Person Eric Potter  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Canton Township  
Receiving Stream(s) and Classification(s) Alba Creek and  
tributary to Alba Creek

ESCGP-1 # ESX10-081-0017  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Bertha Nefe  
Address P. O. Box 1330  
City, State, Zip Houston, TX 77251-1330  
County Lycoming  
Township(s) Cascade Township  
Receiving Stream(s) and Classification(s) Slacks Run

ESCGP-1 # ESX10-081-0018  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Carla Suszkowski  
Address 380 Southpointe Boulevard, Suite 300  
City, State, Zip Canonsburg, PA 15317  
County Lycoming  
Township(s) Cummings Township  
Receiving Stream(s) and Classification(s) Little Dog Run,  
UNT to Second Fork Larry's Creek

ESCGP-1 # ESX10-117-0060  
Applicant Name East Resources  
Contact Person Mr. Jefferson Long  
Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Richmond and Covington Townships  
Receiving Stream(s) and Classification(s) North Elk Run,  
UNT to North Elk Run, Elk Run, UNT to Elk Run

ESCGP-1 # ESG09-117-0034  
Applicant Name Ultra Resources, Inc.  
Contact Person Belinda Salinas  
Address 304 Inverness Way South, Suite 295  
City, State, Zip Englewood, CO 80112-5828  
County Potter and Tioga Counties  
Township(s) West Branch Township (Potter); Elk  
Township (Tioga)  
Receiving Stream(s) and Classification(s) Elk Run  
Secondary—Maynard Hollow, Hubers Hollow

ESCGP-1 # ESX10-015-0086  
Applicant Name Talisman Energy, Inc.  
Contact Person Mr. Eric Potter  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) UNT to Sugar  
Creek (TSF/MF)

ESCGP-1 # ESX10-015-0087  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road, Suite 210  
City, State, Zip Wexford, PA 15090  
County Bradford  
Township(s) Burlington Township  
Receiving Stream(s) and Classification(s) UNT to  
Bailey Run

ESCGP-1 # ESX10-079-0002  
Applicant Name EnCana Oil & Gas (USA), Inc.  
Contact Person Brenda Linster  
Address Republic Square, 370 17th Street, Suite 1700  
City, State, Zip Denver, CO 80202  
County Luzerne  
Township(s) Fairmount Township  
Receiving Stream(s) and Classification(s) Kitchen Creek  
Secondary—Maple Run

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## SPECIAL NOTICES

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### Proposed Action on a Request for Bond Reduction

Proposed action on a request for a bond reduction under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a residual waste facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within

this 30-day period will be considered in the formulation of the final determination regarding this proposal. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

#### Intent to Reduce Bond

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

ID No. 301127, Tecumseh Redevelopment, Inc., Riders Disposal Area, Iron Street, Johnstown, PA 15901, East Taylor Township, Cambria County. On March 30, 2010, the Department of Environmental Protection (Department) received a request for a bond reduction from Tecumseh for its closed residual waste landfill (Site 4) at its Riders Disposal Area. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 287.341.

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

#### Categorical Exclusion

Location: Belle Vernon Municipal Authority, 10 Main Street, Belle Vernon, PA 15012, Belle Vernon Borough, Fayette County.

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project. The Authority proposes to modify the existing sewage treatment plant and pump station.

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

[Pa.B. Doc. No. 10-728. Filed for public inspection April 23, 2010, 9:00 a.m.]

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#### Bid Opportunity

**OSM 10(6838)101.1, Abandoned Mine Land Reclamation Project, Lake Arthur South, Muddy Creek Township, Butler County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; dewatering and diversion and care of water; 429,000 cubic yards of grading; 320 cubic yards of ditch excavation; 900 square yards of high velocity erosion control mulch blanket; 140 square yards of rock lining with filter material; 100 linear feet of 15-inch diameter smooth interior; 100 linear feet of corrugated polyethylene pipe; 775 linear feet of subsurface drain; wetland mitigation; and 47.5 acres of seeding. This bid issues April 23, 2010, and bids will be opened on

May 20, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-729. Filed for public inspection April 23, 2010, 9:00 a.m.]

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#### Bid Opportunity

**OSM 14(0883)101.1, Abandoned Mine Land Reclamation Project, Orviston, Curtin Township, Centre County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; 114,500 cubic yards of grading; 650 linear feet of subsurface drain; 3,800 each of tree planting; and 3.8 acres of seeding. This bid issues April 23, 2010, and bids will be opened on May 20, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-730. Filed for public inspection April 23, 2010, 9:00 a.m.]

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#### Bid Opportunity

**OSM 32(2804)101.1, Abandoned Mine Reclamation Project, Deckers Point Southwest, East Mahoning and Grant Townships, Indiana County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; 80,961 cubic yards of grading area No. 1; 83,613 cubic yards of grading area No. 2; removal and disposal of solid waste and 10.9 acres of seeding. This bid issues April 23, 2010, and bids will be opened on May 20, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-731. Filed for public inspection April 23, 2010, 9:00 a.m.]

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

The June 16, 2010, meeting of the Board of Coal Mine Safety has been rescheduled. The meeting will now take place on June 23, 2010, in the Fayette County Health Center, Uniontown, PA.

Questions concerning the meetings can be directed to Allison D. Gaida at (724) 439-7289 or [agaida@state.pa.us](mailto:agaida@state.pa.us). The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-732. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Certification Program Advisory Committee; Meeting Cancellation

The Certification Program Advisory Committee (Committee) meeting scheduled for Wednesday, June 2, 2010, at 10 a.m. has been cancelled.

Questions concerning the next scheduled meeting of the Committee can be directed to Cheri Sansoni at (717) 772-5158 or [csansoni@state.pa.us](mailto:csansoni@state.pa.us). The agenda and meeting materials for the Committee meeting on September 16, 2010, will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-733. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Pennsylvania Energy Development Authority \$16 Million Funding Opportunity Available

Secretary Hanger announces that on April 30, 2010, the Pennsylvania Energy Development Authority (PEDA) will open a \$16 million solicitation for innovative, advanced energy projects and for businesses interested in locating their advanced energy operations in this Commonwealth.

For purposes of this financial assistance opportunity, eligible projects may include solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; demand management measures, includ-

ing recycled energy and energy recovery, energy efficiency and load management; and clean, alternative fuels for transportation.

Under this solicitation, PEDA may award financial assistance in the form of grants of up to \$1 million. Funding for projects may be used for capital equipment, construction associated with capital projects and land acquisition.

For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; Pennsylvania colleges and universities; Pennsylvania municipalities; and any public corporation, authority or body whatsoever.

This is a competitive solicitation and funding will be determined by vote of the Board of Directors. Guidelines may be viewed and downloaded from the PEDA web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), Keyword "PEDA" on or after April 30, 2010. Applications must be submitted online and will be available on April 30, 2010, at [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us). Applications will be accepted from April 30, 2010, through 4 p.m. June 15, 2010.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-734. Filed for public inspection April 23, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.3(a) (relating to oral and telephone orders).

Sweden Valley Manor  
1028 East Second Street  
Coudersport, PA 16915  
ID 455402

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-735. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Newborn Screening and Follow-Up Program Technical Advisory Board Meeting

The Newborn Screening and Follow-up Technical Advisory Board provides recommendations, guidance and support to the Department of Health regarding the responsibility for the planning, evaluation, modification and management of the Statewide Newborn Child Screening and Follow-up Program under the Newborn Child Testing Act (35 P. S. § 621—625). The Newborn Screening and Follow-up Program Technical Advisory Board will hold a public meeting on Tuesday, May 11, 2010, at the National Civil War Museum located at 1 Lincoln Circle at Reservoir Park, Harrisburg, PA 17103. Driving directions can be found on the National Civil War Museum web site at <http://www.nationalcivilwarmuseum.org>. The meeting is scheduled from 10 a.m. to 3 p.m.

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

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-736. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. 300d-52), will hold a public meeting on Thursday, May 6, 2010. The meeting will be held in the large conference room of the Community Center, which is located on the 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110, from 10 a.m. to 3 p.m.

For additional information, or for persons with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Naomi Zeiset, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-737. Filed for public inspection April 23, 2010, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code (UCC) Review and Advisory Council; Meeting Scheduled

Wednesday, May 26, 2010  
10 a.m.—5 p.m.  
Department of Labor and Industry  
651 Boas Street, Room E-100  
Harrisburg, PA 17121

Additional information concerning the meeting may be found on the Department of Labor and Industry's web site at [www.dli.state.pa.us](http://www.dli.state.pa.us). Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-738. Filed for public inspection April 23, 2010, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Super 7 Terminal-Based Lottery Game

Under the State Lottery (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.1 (relating to creation), the Secretary of Revenue hereby provides public notice of the termination of the Pennsylvania Super 7 terminal-based lottery game rules which were published at 39 Pa.B. 1273—1276 (March 7, 2009), effective April 28, 2010.

In accordance with section 6(e) of the game rules (relating to prizes available to be won and determination of prize winners), which appeared at 39 Pa.B. 1276, the Secretary of Revenue hereby announces that in the event no ticket is sold containing the winning numbers necessary to claim the jackpot category prize for the final Pennsylvania Super 7 drawing to take place on April 27, 2010, the allocation of prize money will be as follows:

All jackpot category prize money will be shared proportionately by winners of the second, third and fourth prize categories. Each of these prize categories will be allocated a proportion of the jackpot category prize money equal to the proportion of sales normally allocated to that prize category. Money allocated to each of these prize categories will be divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a prize in that prize category. In no case will the amount of the prize paid be less than the holder of a winning ticket would be entitled to without application of this provision.

The following chart indicates the percentage of the winnings pool to be paid for the second, third and fourth category prizes if there is a winner of the jackpot category prize for the April 27, 2010 Pennsylvania Super 7 drawing and the percentage of the winnings pool to be paid for the second, third and fourth category prizes if there is not a winner of the jackpot category prize for the April 27, 2010 Pennsylvania Super 7 drawing:

*Percentage Of The Winnings Pool, After Deduction Of The Fifth Category Prize, To Be Paid In Prizes If There Is A Winner Of The Jackpot Category Prize For The April 27, 2010 Drawing.*

*Percentage Of The Winnings Pool, After Deduction Of The Fifth Category Prize, To Be Paid In Prizes If There Is Not A Winner Of The Jackpot Category Prize For The April 27, 2010 Drawing.*

Tickets Containing the Following in One Single Play

All 7 Winning Numbers (Jackpot Category Prize)	48.16%	0.0%
6 Winning Numbers (Second Category Prize)	13.42%	25.89%
5 Winning Numbers (Third Category Prize)	21.81%	42.06%
4 Winning Numbers (Fourth Category Prize)	16.61%	32.05%

For the purposes of calculation of a prize to be paid under this provision the calculation shall be rounded down so that prizes can be paid in multiples of \$.50.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-739. Filed for public inspection April 23, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department) under the authority contained in 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by the Port Authority of Allegheny County, seeking to lease highway right-of-way located at 1860 SR 286 (also known as Golden Mile Highway), Plum Borough, Allegheny County, containing 0.762 acre, adjacent to SR 286 for the purpose of a park and ride facility.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER,  
*Secretary*

[Pa.B. Doc. No. 10-740. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Finding Lancaster 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 finding:

The Department of Transportation (Department) is planning to close and remove the at-grade crossing of the Amtrak Railroad corridor on Newcomer Road in Rapho Township, Lancaster County. The project will require

minor amounts of right-of-way and temporary easements from the Heller Farmstead and the Pennsylvania Railroad/Keystone Corridor (now Amtrak) that are eligible for the National Register of Historic Places and, therefore qualify as section 2002 resources.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department, a "Determination of Section 4(f) *De Minimis* Use Section 2002 No Adverse use" has been prepared to evaluate the potential environmental impacts caused by the subject project. The document is available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action and section 106 of the Historic Preservation Act studies have determined that there are No Historic Properties Affected by the project as planned.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Design*

[Pa.B. Doc. No. 10-741. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Planting and Harvesting Season under the Motor Carrier Regulations

Section 395.1 of the Federal Motor Carrier Safety Regulations provides an exemption from the hours of service, driver logs and employer recordkeeping requirements for drivers transporting agricultural commodities or farm supplies for use on the farm within 100 air miles of the farm when the transportation is conducted during the planting and harvesting season as determined by the state in which the farm is located. (49 CFR 395.1(k)) Section 395.1 has been adopted in the Commonwealth and applies to interstate and intrastate motor carrier

transportation under 67 Pa. Code Chapters 229 and 231 (relating to interstate motor carrier safety requirements; and intrastate motor carrier safety requirements). In 1996, the planting and harvesting season in this Commonwealth was determined to be March 1 to November 30, based upon the recommendation of then Secretary of Agriculture Charles C. Brosius.

In consultation with current Secretary of Agriculture, Russell C. Redding, it has been determined that the planting and harvesting season in this Commonwealth is January 1 to December 31 inclusive. This determination reflects the current nature of modern production agriculture today in this Commonwealth. Moreover, this determination will make the planting and harvesting season in this Commonwealth consistent with that in the adjacent states of New York, New Jersey, Maryland and West Virginia.

ALLEN D. BIEHLER, P. E.,  
Secretary

[Pa.B. Doc. No. 10-742. Filed for public inspection April 23, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, April 8, 2010, and announced the following:

*Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective April 7, 2010*

State Board of Dentistry #16A-4620: Clinical Examinations (amends 49 Pa. Code Chapter 33)

*Action Taken—Regulations Approved:*

Pennsylvania Gaming Control Board #125-91: Preliminary Provisions; Onsite Shopkeepers Certification, Labor Organizations; and Slot Machine Licenses (amends 58 Pa. Code §§ 438a.3, 441a.12 and 441a.13)

Pennsylvania Gaming Control Board #125-106: Employee Credentials, Design Standards and Internal Controls (amends 58 Pa. Code Chapters 435a, 461a, 465a, 467a and 501a)

### Approval Order

Public Meeting held  
April 8, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—  
Preliminary Provisions; Onsite Shopkeepers Certification,  
Labor Organizations; and Slot Machine Licenses;  
Regulation No. 125-91 (#2708)*

On July 16, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board

(Board). This rulemaking amends 58 Pa. Code Sections 438a.3, 441a.12 and 441a.13. The proposed regulation was published in the July 26, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 4, 2010.

This final-form regulation replaces the permitting requirements for individuals in labor organizations with registration requirements; and adds filing requirements for agreements that involve \$500,000 or more per year.

We have determined this regulation is consistent with the statutory authority of the Board (§ 1202 (b)(30) of the Pennsylvania Race Horse Development and Gaming Act (Act)) (4 Pa.C.S. § 1202(b)(30) and related provisions of the Act) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
April 8, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—  
Employee Credentials, Design Standards and Internal  
Controls; Regulation No. 125-106 (#2803)*

On October 6, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 435a, 461a, 465a, 467a and 501a. The proposed regulation was published in the October 17, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 4, 2010.

This final-form rulemaking amends provisions related to the display of Board-issued credentials and permits the use of non-fixed seating for slot machines. It also makes a number of other changes that improve clarity or add flexibility to the Board's existing regulations.

We have determined this regulation is consistent with the statutory authority of the Board (§ 1202 (b)(30) of the Pennsylvania Race Horse Development and Gaming Act (Act)) (4 Pa.C.S. § 1202(b)(30) and related provisions of the Act) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 10-743. Filed for public inspection April 26, 2010, 9:00 a.m.]



### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the 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>
7-443	Environmental Quality Board National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance 40 Pa.B. 847 (February 13, 2010)	3/15/10	4/14/10
16A-4929	State Board of Medicine Behavior Specialist 40 Pa.B. 884 (February 13, 2010)	3/15/10	4/14/10
7-451	Environmental Quality Board Water Quality Standards Implementation 40 Pa.B. 876 (February 13, 2010)	3/15/10	4/14/10

#### **Environmental Quality Board Regulation #7-443 (IRRC #2819)**

#### **National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance**

**April 14, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the February 13, 2010 *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 (EQB) to respond to all comments received from us or any other source.

#### **1. Basis and support for the calculation of fee amounts.—Economic impact; Fiscal impact; Lesser standards for small sources; Reasonableness; Implementation procedures; Clarity.**

##### *Fee Amounts*

This regulation increases existing fees and creates new fees. The fees are listed in Sections 92a.28 and 92a.62. The EQB provided an explanation of the fees in the Preamble which, in part, states:

The Commonwealth has long subsidized the costs of administering the NPDES program and the associated regulation of point source discharges of treated wastewater, but this is no longer financially feasible or environmentally appropriate. The proposed fee structure will cover only the Commonwealth's share of the cost of administering the NPDES permit program (about 40% of the total cost, with the other 60% covered by Federal grant). The proposed fees are still only a minor cost element compared to the cost of operating a sewage or industrial wastewater treatment facility. The artificially low fees that have been charged have been increasingly at odds with the Department's emphasis on Pollution Prevention and nondischarge alternatives. The proposed fee structure will better align the revenue stream with the true cost of point source discharges to surface waters,

from both management and environmental standpoints. The sliding-scale fee structure assures that smaller facilities, which may be more financially constrained and also have a lower potential environmental impact, are assessed the lowest fees. The Department's proposal to provide for a permit-by-rule for discharges from SRSTPs [Single-Residence Sewage Treatment Plants], and the application of pesticides under §§ 92a.24 and 92a.25 relieves some permittees of any fee.

The comments on the proposed regulation include the following:

- Some commentators questioned whether the fees are "reasonable," citing the requirement for "reasonable filing fees" in 35 P. S. § 91.6.
- Based on the EQB's explanation, commentators raised issues with the number of employees required to run the program, the efficiency of the dollars expended and the accountability of the expenditures.
- The fees will impose costs on systems that are already experiencing cost increases for mandated system and treatment process improvements from programs such as the Chesapeake Bay Tributary Strategy and the United States Environmental Protection Agency.
- The fees will shift the cost burden of the programs from state government to local government.

Contrary to most comments on the proposed fees, one commentator states the proposed regulation "would appropriately end the Commonwealth's subsidizing the costs of administering the NPDES program by placing those costs on the people and entities who hold NPDES permits and discharge wastewater pursuant to them."

The Preamble provides general information on the activities the fees will cover. However, we agree with many commentators that the EQB has not provided enough detail regarding the calculation of the dollar amount of each fee. Consequently, we are unable to fully determine whether each fee is a fair representation of the activities it covers. We recommend that the EQB provide

with the final-form regulation the fully detailed calculation of each fee to establish that the fees are reasonable.

#### *Mining activity*

Related to the fees for industrial waste, a commentator questions whether treated mine drainage could be classified as a “mining activity” rather than a discharge of industrial waste. The EQB should clarify fees relating to treated mine drainage.

#### *Exclusion for agencies of the Commonwealth*

The Pennsylvania Department of Transportation (PennDOT) requests explicit exclusion from the fee provisions for agencies of the Commonwealth. PennDOT cites other regulations that exclude them from paying fees. The EQB should explain why it did not exclude PennDOT from the fee provisions in the new Chapter 92a.

### **2. Description of amendments in the Preamble.—Reasonableness; Clarity.**

Several commentators have noted that the Preamble does not describe all of the sections in the regulation. We agree that several descriptions are missing. For the final-form regulation’s Preamble, the EQB should describe each section of the final-form regulation.

### **3. Section 92a.2. Definitions.—Reasonableness; Clarity.**

#### *Immediate*

In our review of the regulation, we found the term “immediate” used only in Subsection 92a.41(b). Therefore, we recommend incorporating this time limitation into that section rather than defining “immediate” in Section 92a.2. In addition, the EQB should explain how the time limit is reasonable.

#### *“Minor amendment” and “Major amendment”*

A commentator believes the definition of “minor amendment” does not include everything that could be a minor amendment and requests some discretion in that determination. Another commentator questioned why a change of ownership or operational control is not included as a “minor amendment.”

We believe the distinction sought by the commentators is important because there is a direct relationship established in the regulation between the definitions of “minor amendment” and “major amendment.” As a result, what is not included in the definition of “minor amendment” by default is a “major amendment.” The EQB should review the public comments and consider whether the list in the definition of “minor amendment” is inclusive of all actions the EQB will consider to be minor amendments. Consequently, the EQB should also consider whether amendments to the definition of “major amendment” are also needed.

#### *New source*

A commentator states that this definition should include the full definition in 40 CFR 122.2, by adding subsection (b) of the Federal definition. The EQB should explain why 40 CFR 122.2(b) was not included.

#### *Schedule of compliance*

This definition is identical in both existing Section 92.1 and proposed Section 92a.2. Therefore, the EQB has continued the use of its current definition. A commentator suggests that the definition should be amended to include the phrase “in a permit” to be consistent with the federal definition in 40 CFR 122.2. The EQB should explain why it did not include the phrase “in a permit.”

#### *Significant biological treatment*

Based on our review of the regulation, we could only find the term “significant biological treatment” used in Subsection 92a.47(a). Therefore, we recommend incorporating this definition into that section rather than defining it in Section 92a.2.

In addition, commentators believe the definition is overly restrictive or implies the exclusion of other treatment approaches or methods. The EQB should explain why its definition of “significant biological treatment” is appropriate.

### **4. Section 92a.3. Incorporation of Federal regulations by reference.—Statutory authority; Need; Reasonableness; Clarity.**

#### *Future amendments and supplements thereto*

Subsections (a) and (b) incorporate by reference the federal NPDES regulations, “including all appendices, future amendments and supplements thereto. . . .” While the Department of Environmental Protection (Department) may impose requirements already mandated by the federal government, the incorporation by reference of future, and consequently unknown, requirements may be an improper delegation of the agency’s statutory authority. Further, new obligations may be imposed without members of the regulated community and other parties having the opportunity for public comment as provided for in the Commonwealth Documents Law and the Regulatory Review Act. Additionally, section 1.6 of the PA Code and *Bulletin Style Manual* provides:

A rule adopting a code, standard or regulation by reference does not include subsequent amendments, rescissions or editions. If an agency wishes to incorporate subsequent amendments, rescissions or editions, the agency **must explicitly** do so by amendment of its existing rules or by rescinding its existing rules and promulgating new rules. [Emphasis added.]

Therefore, the Department should delete the phrase “future amendments and supplements thereto” in reference to incorporating the federal regulations.

#### *“Applicable and not contrary” and “In the event of a conflict”*

A commentator questions the clarity of Subsections (a) and (c) stating this language creates ambiguity over the fundamental question of which law or regulation applies. Consistent with our comment above regarding future amendments, the regulation should incorporate only existing, known federal provisions. Therefore, we question the need for language in Subsections (a) and (c) stating the incorporation by reference is to the extent that these provisions are “applicable and not contrary to the law of the Commonwealth” and “In the event of a conflict between Federal and regulatory provisions of the Commonwealth, the provision expressly set out in this chapter shall be applied unless the Federal provision is more stringent.” The EQB should explain the need for these phrases and how the reader of the regulation can reasonably determine their meaning.

### **5. Section 92a.5. Prohibitions.—Reasonableness, Economic impact.**

Commentators note that existing Paragraph 92.73(8) states that

A permit will not be issued, modified, renewed or reissued under any of the following conditions: . . . (8) For a sanitary sewer overflow, except as provided for in the Federal regulations.

In comparison, the new provision in Subsection 92a.5(b) does not include the phrase “except as provided in federal regulations.” Commentators believe this may exclude provisions such as 40 CFR 122.41(m)(4)(i)(A)—(C) which provide exceptions for a treatment system bypass. We recommend that the EQB explain why the phrase “except as provided in federal regulations” is no longer needed, particularly since it relates to federal regulations which would appear to be consistent with this rulemaking.

**6. Section 92a.8. Confidentiality of information.—Possible conflict with statutes or existing regulations; Clarity.**

*Consistency with existing regulations*

Subsection (a) incorporates 40 CFR 122.7(b) by reference, which states:

(b) Applicable to State programs, see Sec. 123.25. Claims of confidentiality for the following information will be denied:

- (1) The name and address of any permit applicant or permittee;
- (2) Permit applications, permits, and effluent data.

However, Subsection (b) of the proposed regulation implies a broader scope of confidentiality than Subsection (a) by stating:

The Department may protect any information, other than effluent data, contained in NPDES forms, or other records, reports or plans pertaining to the NPDES permit program as confidential upon a showing by any person that the information is not a public record for the purposes of section 607 of the State Act (35 P. S. § 691.607). . . .

Subsections (a) and (b) appear to be inconsistent regarding what information can be considered confidential. For example, a request for confidentiality of a permit or permit application must be denied under Subsection (a), but it appears that under Subsection (b) it may be possible for the Department to grant confidentiality for that same information. The EQB should reconcile these subsections.

*Consistency with statute*

In addition to the above concern, a commentator believes Subsection (b) is inconsistent with the Clean Streams Law (35 P. S. § 691.607), which states that “all papers, records and documents of the Department, and applications for permits pending before the Department shall be public records open to inspection,” with an exception for the chemical and physical analysis of coal. The commentator points specifically to language in the second sentence of Subsection (b) which states “. . . and those that are confidential commercial information or methods or processes entitled to protection as trade secrets under State or Federal law.” The EQB should provide an explanation and clarification in the regulation regarding what State or Federal law, in addition to the Clean Streams Law, will be considered in regard to confidentiality of information.

**7. Section 92a.12. Treatment requirements.—Economic impact.**

PennDOT questions how the requirements of Subsection (d) will be applied. PennDOT explains that Subsection (d), by including Chapter 102, could retroactively require post construction controls on existing roadways. The EQB should explain how it will apply this provision and why it is reasonable to include Chapter 102 in Subsection (d).

**8. Section 92a.21. Application for a permit.—Clarity.**

Subsection (a) lists provisions of 40 CFR 122.21 that are incorporated by reference, but concludes with the phrase “except as required by the Department.” The phrase “except as required by the Department” is broad and infers the Department may unilaterally change the requirements of the federal regulation outside the regulatory review process. This would allow changes without notice and review by the public, regulated community, legislature or the Commission. We recommend deleting the phrase “except as required by the Department.”

**9. Sections 92a.24. Permit-by-rule for SRSTPs. And 92a.25 Permit-by-rule for application of pesticides.—Consistency with statute.**

A commentator believes the permit-by-rule allowed in both of these sections violates the definition of “permit” in 40 CFR § 122.2. The EQB should explain how these sections are consistent with the federal definition of “permit.”

**10. Section 92a.26. New or increased discharges, or changes of waste streams.—Economic impact; Reasonableness.**

*Treatment standards*

A commentator is concerned that the notification of facility expansion or process modifications required in Subsection (a) could trigger a Department determination that the discharge must meet tertiary treatment standards. We agree that the Department should be notified of a facility expansion or process modification. However, Subsection (a) is directed toward the process that occurs after the discharge changes.

The EQB should explain how it will review the notification after the increased discharge begins. If the notification can result in more stringent requirements, the EQB should explain how the owner of a facility can have a facility expansion or process modification reviewed for its implications prior to the investment so that the owner has the opportunity to explore alternatives.

*Facility expansion or process modification*

A commentator lists other factors that could result in increases of permitted pollutants, such as adding another shift at a manufacturing plant or changing the chemicals used in the process. Neither of these changes would meet the condition of a facility expansion or process modification. The EQB should review Subsection (a) to determine if other factors beyond facility expansions or modifications should be considered in determining whether the Department should be notified of increases of permitted pollutants.

*60-day notice*

Subsection (a) requires a 60-day notice. However, the regulation should specifically state what action starts the 60-day time period.

*Department action*

Subsection (a) requires Department approval in writing for increases of pollutants or new discharges. The regulation does not specify when the Department will respond which could delay needed changes to discharges or waste streams. The regulation should include a time period within which the Department will respond.

**11. Section 92a.36. Cooling water intake structures.—Implementation procedure; Reasonableness; Feasibility.**

Several commentators stated the Federal government is in the process of amending the Federal requirements

relating to cooling water intake structures. They cite particular concerns with the implementation of Best Technology Available (BTA) requirements that are still under development. The commentators believe that until BTA is clearly defined in the new Federal rule, the EQB should not move forward with this section. In light of the public comments, the EQB should explain how the public was provided with the opportunity to provide effective comments and how this provision will be reasonably implemented.

**12. Section 92a.38. Department action on NPDES permit applications.—Consistency with statute; Reasonableness; Economic impact.**

*Applicable*

Paragraph (a)(2) requires an application to be consistent with “other applicable statutes and regulations administered by the Commonwealth,” and “if applicable, river basin commission requirements created by interstate compact.” There are two concerns with these phrases.

First, the scope of these provisions cannot be determined. Who determines what is “applicable”? The phrases quoted above do not provide the reader with the information needed to comply with the regulation. We recommend either deleting these phrases or amending them to provide specific compliance requirements.

Second, because the scope of the above quoted phrases cannot be determined, we recommend that the EQB explain its authority to enforce “other applicable statutes and regulations administered by the Commonwealth.” Also, the EQB should explain its authority over “river basin commission requirements created by interstate compact.”

*Renewal of permits*

Subsection (b) provides for the review of permit applications and the Department’s consideration of local and county plans and zoning ordinances. A commentator questions how the review of a permit renewal will be conducted in relation to Subsection (b). We agree that while these reviews may be appropriate for a new facility, there is a legitimate question as to how this would apply to existing facilities applying for renewal of a permit. The EQB should amend this provision to explain how a permit renewal will be reviewed.

**13. Section 92a.41. Conditions applicable to all permits.—Feasibility; Reasonableness; Need; Economic impact; Implementation procedures.**

Proposed Subsection (c) states:

The discharger may not discharge floating materials, oil, grease, scum, sheen and substances that produce color, taste, odors, turbidity or settle to form deposits.

P. H. Glatfelter Company (Glatfelter) commented that it has invested tens of millions of dollars over decades to comply with the requirements related to color in its NPDES permit under existing regulations. Glatfelter’s numerical limit for color and a timeline for compliance were established as a result of litigation in both the Environmental Hearing Board and Federal district court. Glatfelter believes the proposed regulation “institutes an outright ban that is not technically achievable by many facilities in Pennsylvania . . .” and observes the limitation is “frankly unnecessary considering that many waters of the Commonwealth have considerable natural color.” Glatfelter suggests that Subsection (c) begin with the phrase “[E]xcept as may be set forth explicitly in this

permit” to allow for a variance for all of the parameters specified in proposed Subsection (c).

In addition to Glatfelter, several other commentators took issue with the EQB’s explanation and support for the amendment from existing regulation explained in the Preamble. Some commentators request that the EQB maintain existing language which allows “amounts sufficient to be inimical to the water uses” found in existing Section 92.51.

We believe the commentators have outlined a significant change from existing regulation of water quality. While we agree that the phrase “inimical to the water uses” is vague and should be made clearer, we question the effect and basis for the proposed language which imposes a ban on all of these parameters in discharges. Based on the comments and the Preamble, it does not appear that the proposed language was developed to address specific violations or damage occurring to the environment. To the contrary, via NPDES permit, the Department has for many years allowed Glatfelter to meet a different standard than what is proposed in Subsection (c) for color. Therefore, we request a detailed explanation of why Subsection (c), as proposed, is reasonable, feasible and necessary. In addition, we request an explanation of the direct and indirect costs imposed on permit holders to meet Subsection (c) and how many permits would be either invalidated or would not be renewable under Subsection (c).

**14. Section 92a.47. Sewage permit.—Need; Reasonableness; Economic impact.**

In the Preamble, the EQB states the following relating to compliance costs:

The proposed rulemaking addresses wastewater treatment facilities, including industrial wastewater treatment facilities, POTWs, and other facilities that treat sanitary wastewater. The treatment requirements of the NPDES regulation affect operational costs to some extent, but the proposed rulemaking does not include any new broad-based treatment requirements that would apply to most facilities. The compliance costs of the proposed rulemaking for most facilities is limited to the revised application and annual fees.

To the contrary, commentators believe Section 92a.47 imposes many changes to existing requirements that will pose major economic challenges for sewage treatment systems across the State. Commentators concerns include:

- Subsection (a) does not include key variance provisions from 40 CFR 133 that allow for modification of effluent limits.
- There is no indication the EQB has conducted a detailed legal, technical and economic analysis of these changes.
- Environmental Hearing Board decisions do not provide justification for eliminating variances.
- No rationale has been provided for changing effluent standards in Paragraphs (a)(4) and (5). In addition, these provisions are now more stringent and less flexible than current requirements. The existing provision that triggers a violation when “more than 10% of the samples tested” exceed a limit should be included.
- Why was Paragraph (a)(8) added for Total Residual Chlorine?
- Why does a discharge under Subsection (b) require tertiary treatment? Why is the existing approach not adequate?

- Subsections (b) and (c) establish mandatory new technology-based tertiary treatment standards that exceed current Pennsylvania water quality standards.

- It appears that effluent trading will not be allowed. We find this comment to be significant in relation to the EQB's ongoing proposed regulation #7-451 (IRRC #2821) "Water Quality Standards Implementation."

- The proposed regulation imposes expensive and unnecessary treatment standards.

- These revisions could pose major technical and economic challenges along with major compliance and enforcement problems for many sewage treatment systems across the State.

- It is not clear what is meant by "significant biological treatment" therefore what is included and excluded.

The EQB should better explain the need to amend existing requirements. The EQB should include a full evaluation of the costs imposed by the amendments and explain why the costs imposed are justified.

In addition, the EQB should explain how this regulation is consistent with regulation #7-451 (IRRC #2821) "Water Quality Standards Implementation," which addresses nutrient credit trading related to nutrient and sedimentation pollution in the Chesapeake Bay.

**15. Section 92a.48. Industrial waste permit.—Need; Reasonableness; Economic impact.**

Similar to the comment above on Section 92a.47, commentators believe the changes to Section 92a.48 are significantly more drastic than depicted by the EQB in the Preamble. Their concerns include:

- Discharge parameters, such as BOD5 and TSS, would require as much as a 97% reduction compared to existing regulation and permits.

- The EQB's generalization of industrial waste is not valid for all industrial point source categories.

- It is evident the EQB has not fully considered the economic impact of the proposed regulation, as required by 35 P. S. § 691.5(a)(5). There is no indication the EQB has conducted a detailed legal, technical and economic analysis of these changes.

- The EQB should re-evaluate the specific discharges causing violations rather than changing the standards for all industrial waste discharges.

- The TSS and BOD5 limits could cause some power plants to use more water.

The EQB should better explain the need to amend existing requirements. In addition, the EQB should provide a full evaluation of the costs imposed by the amendments and explain why the costs imposed are justified.

**16. Section 92a.50. CAAP.—Clarity; Economic impact; Reasonableness.**

Paragraph (d)(3) requires the use of "the most sensitive analytic method available." It is not clear how to meet this standard. Furthermore, it could require the use of expensive or elaborate equipment that may not be available or even developed yet. The regulation should clearly state what reasonable methods are acceptable.

**17. Section 92a.52. Variances.—Implementation procedure; Clarity; Reasonableness.**

This provision states:

Any new or amended Federal regulation enacted after November 18, 2000, which creates a variance to existing NPDES permitting requirements is not incorporated by reference.

The EQB should explain how this provision relates to and is consistent with Section 92a.3. The EQB should also explain the need for this section.

**18. Section 92a.54. General permits.—Effect on this Commonwealth's resources.**

*Threatened or endangered species*

The United States Department of the Interior commented that Subsection (a) should also prohibit discharges to waters that support Federal or State listed threatened or endangered species. The EQB should explain whether this protection is needed in addition to the other protections listed in Subsection (a).

*Denial of coverage*

Paragraph (e)(3) states:

The applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by the Department.

This provision is not clear. For example, if a person was cited for past violations, there would be a record of that event and an ability to appeal the result. However, this provision penalizes the person for "lack of ability or intention to comply." How will this provision be enforced and how can an action taken under it be appealed? The EQB should explain the intent of this provision, its reasonableness and how it would be enforced.

**19. Section 92a.82. Public notice of permit applications and draft permits.—Protection of the public health**

A commentator noted that the regulation does not include the existing requirement in Section 92.61(a)(6) to identify the following:

The location of the nearest downstream potable water supply considered in establishing proposed effluent limitations under this title, or a finding that no potable water supply will be affected by the proposed discharge.

Why is this provision no longer needed?

—  
**State Board of Medicine**  
**Regulation #16A-4929 (IRRC #2820)**  
**Behavior Specialist**  
**April 14, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the February 13, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. Section 18.521. Purpose.—Protection of public health, safety and welfare; Reasonableness; Conflict with existing regulations.**

Subsection 635.2(g)(1) of Act 62 of 2008 (Act) (40 P. S. § 764h(g)(1)) requires the Board to promulgate regula-

tions “providing for the licensure or certification of behavior specialists.” Several commentators believe the public would be better served if the Board required “licensure” instead of “certification.” They contend that certifying behavior specialists to treat under the coverage of the Act without first requiring them to be licensed will create a regulatory conflict for health plans. These commentators feel that certification is a lesser standard than licensure and will cause issues with the contracting of behavior specialists by insurance companies. Why did the Board decide to require certification of behavior specialists instead of licensure of behavior specialists?

## **2. Section 18.522. Definitions.—Clarity.**

All of the defined terms are direct quotations from the Act, and each one provides an exact citation to the same definition in the Act. If the Board intends to use the exact definitions from the Act, they should cite the sections and not repeat the definitions in the regulation. If the Board intends to clarify the statutory definitions consistent with the language and intent of the Act, then a citation to the Act is not required.

Subsection 635.2(f)(15) of the Act (40 P. S. § 764h(f)(15)) defines the term “treatment plan.” The proposed regulation does not, even though the term is used in the body of the regulation in Subsection 18.524(b). We recommend that this term be defined or cited as described above.

## **3. Section 18.523. Application for certification as behavior specialist.—Clarity.**

Applicants under Subsection (a) will be required to submit “all necessary supporting documents.” This term is unclear. The list of the documentation that will be required should be included in the final-form regulation.

Under Subsection (b), after the Board receives an application, how long will it take to certify the application and notify the applicant of its findings? This time frame should be included in the final-form regulation.

Subsection (d) is a partial paraphrase of the requirements of Subsection 635.2(g)(3) of the Act (40 P. S. § 764h(g)(3)). It does not include a provision from the statute that defines the term “convicted.” Since this term is used in the regulation, we suggest that the provision be included in the final-form rulemaking.

## **4. Section 18.524. Criteria for certification as behavior specialist.—Consistency with statute; Clarity.**

This section establishes the criteria for certification as a behavior specialist. We have two general concerns with this section. First, Subsection 635.2(g)(2) of the Act (40 P. S. § 764h(g)(2)) lists five criteria to be used when evaluating an applicant’s qualifications for certification as a behavior specialist. This section of the regulation lists four of the five criteria. Why did the Board exclude the statutory criterion pertaining to good moral character?

Second, what documentation will the Board require to verify that all the requirements contained in this section have been met? The final-form regulation should specify the required documentation.

In Subsection (a), several commentators, including the House Professional Licensure Committee, asked for additional guidance on what major fields of study would be included in “another related field.” We suggest that the Board clarify what that means in the final-form regulation.

Subsection (b) and Subsection 635.2(g)(2)(iii) of the Act (40 P. S. § 764h(g)(2)(iii)) require at least “. . . one year experience involving functional behavior assessments.” A commentator suggests that the Board clarify that at least one year of experience must involve functional behavior assessments for persons under 21 because the statute only mandates coverage of services to persons under 21. The Board should consider clarifying the experience requirement as suggested by the commentator.

Subsection (c) and Subsection 635.2(g)(2)(iv) of the Act (40 P. S. § 764h(g)(2)(iv)) require 1,000 hours in direct clinical experience. How will this be verified? In addition, the House Professional Licensure Committee requests that the experience be “direct” experience and not obtained in “. . . passive approaches, i.e. only watching videotapes. . .” What criteria will the Board use to determine if a person’s experience is suitable? We suggest that the final-form rulemaking set forth what qualifies as “direct clinical experience.”

Subsection (d) and Subsection 635.2(g)(2)(v) of the Act (40 P. S. § 764h(g)(2)(v)) reference “relevant training programs.” Neither the number of hours nor the qualifications of the people giving the training is specified. To assist the regulatory community with complying with this regulation, we suggest that the Board provide the standards it will use in making the determination that an applicant has “completed relevant training programs” in the final-form regulation.

## **5. Section 18.525. Renewal of certification as behavior specialist.—Protection of public health, safety and welfare; Clarity.**

Several commentators, including the House Professional Licensure Committee, have recommended that the Board add continuing education requirements to the certification renewal process. How can the Board ensure that the public health, safety and welfare are adequately protected without a continuing education requirement?

Subsection (c) includes the phrase “in a manner prescribed by the Board.” To improve clarity, we suggest that the regulation specify the manner in which certification must be renewed.

## **6. Section 18.526. Inactive status of certification as behavior specialist.—Statutory Authority; Protection of public health, safety and welfare.**

Subsection (d) would allow a certificate holder to retroactively reactivate an expired certification. Several commentators have concerns with reactivating a certification retroactively. They believe that it would allow a behavior specialist with a lapsed certification to seek insurance reimbursement for services provided while the certificate was lapsed. They also believe a person with a lapsed certificate should not be allowed to practice because there is no authority to sanction a non-certified Board specialist. The Preamble to the proposed rulemaking explains why the Board has taken this approach to the reactivation of certifications. What is the Board’s statutory authority for this approach? How can the Board ensure that the health, safety and welfare of the public are adequately protected if the behavior specialists with lapsed certifications are allowed to practice?

## **7. Miscellaneous Clarity.**

- Existing Subsection 16.11(c) has only 9 registrations listed and enumerated. However, the new category of Behavior Specialist is listed as (c)(12). For clarity, Behavior Specialists should be listed as (c)(10).

- The fees associated with certification of Behavior Specialists are found at proposed Subsection 16.13(k). Existing Subsections (a) through (h) pertain to fees for specific medical professionals, while Subsections (i) and (j) are general fees that apply to all medical professions listed in § 16.13. We suggest listing the fees at existing Subsection (i) and moving the text of Subsection (i) to (j) and Subsection (j) to the new (k).

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**Environmental Quality Board  
Regulation #7-451 (IRRC #2821)  
Water Quality Standards Implementation  
April 14, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the February 13, 2010 *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.

**Section 96.8. Use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay watershed.—Fiscal impact; Effect on natural resources; Feasibility; Reasonableness; Implementation procedure; Clarity.**

*General*

The proposed regulation is one new section with ten subsections and codifies a document entitled “Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines” (No. 392-0900-001), which was issued by the Department of Environmental Protection (DEP) in December 2006. Commentators identified several concerns throughout the proposed regulation. Many of the concerns are similar in that it appears the transition from a policy and guidance document to a regulation may be incomplete.

The Preamble states: “The proposed rulemaking will provide clear and certain standards for nutrient credit trading in this Commonwealth. . . .” Commentators disagree. They claim the regulation, like the existing policy document, does not contain clear and concise criteria. They contend that it creates ambiguity by allowing DEP to readjust best management practice efficiencies, thresholds, ratios, and other factors. Participation in this program is voluntary. It is also beneficial because it reduces pollution at lower costs. However, the rules governing the trading market must be consistent and predictable to encourage investment and participation. Therefore, the Board and DEP need to work with stakeholders to develop greater specificity in the criteria, procedures and standards in the final-form regulation.

*Credits and offsets*

Commentators have expressed concern with the Board’s similar treatment of the term “credit” and “offset” throughout the proposed regulation. They assert that there are fundamental differences between the two, and the two terms should not be treated identically. For example, commentators noted that “offsets” are already incorporated into National Pollutant Discharge Elimination System (NPDES) permits and are not subject to certification, registration or verification as outlined in this proposed regulation. The Board needs to explain the differences and similarities between the two. In addition, the procedures for certification and verification or ap-

proval processes for credits and offsets need to be clearly delineated in the final-form regulation.

*Timetables and notification*

Provisions in the proposed regulation refer to eligibility determinations, credit certifications, verifications or other types of decisions to be made by DEP. What are the timetables for such actions? How will affected parties be notified? Will the DEP provide written notice? To increase predictability for buyers and sellers, the Board should address these questions in the final-form regulation.

*Subsection (a) Definitions.*

*Baseline—*

Commentators, including the Pennsylvania Farm Bureau, Pennsylvania Municipal Authorities Association (PMAA), and Nutrient Trading Subcommittee of DEP’s Agricultural Advisory Board, expressed concerns with this definition. There appears to be confusion as to how the total maximum daily load (TMDL) will impact a “baseline.” In addition, it is unclear what is included in the term “similar allocation” which is used in Paragraph (ii) of this definition and in Subsection (d)(2)(ii). We recommend that DEP work with stakeholders to address these concerns. The Board should utilize greater detail in setting forth its intent in the final-form regulation.

*Credit reserve*

The need for the phrase “and to provide liquidity in the market” in this definition is unclear. Why would the Commonwealth want to manage “liquidity” in a market and how has DEP determined that the credit reserve will be properly sized to achieve that liquidity? The Board needs to provide an explanation or delete it from the final-form regulation.

*Delivery ratio*

This definition contains the phrase “defined compliance point.” However, it is not clear what this is referring to. For clarity, this phrase should be defined in the final-form regulation.

*DMR—Discharge monitoring report*

According to existing definitions in Section 92.1, a DMR is the same as an NPDES reporting form. Why are two different terms used for the same form?

*Edge of segment ratio*

Commentators questioned the use of the term “groundwater” in this definition. It is unclear whether this ratio could provide accurate information about a pollutant moving through both surface runoff and groundwater flows. The Board should provide an explanation or improve the definition in the final-form regulation.

*Tradable load*

This definition ends with the phrase “a level of reduction activities identified by the Department [DEP] as reasonably attainable.” What criteria and process will be used by DEP in determining what is “reasonably attainable”?

*Subsection (c) Methodology.*

Subsection (c)(6) includes the sentence “The Department may also rely on other published or peer-reviewed scientific sources.” How will the regulated community know what these sources are? Will DEP publish a list in the *Pennsylvania Bulletin*?

*Subsection (d) Eligibility requirements for the Chesapeake Bay.*

In order to generate credits and offsets, Subsection (d)(1) requires that generators “demonstrate a reduction

in pollutant loads beyond . . . any threshold established by the Department.” How will the generators know what this threshold is? This threshold should be set forth in the final-form regulation.

In its comments, PMAA contends that the language in Subsection (d)(2)(ii), together with the definition of “baseline,” will unnecessarily limit the ability of point sources to generate credits while still meeting local TMDL reduction requirements. The Board should provide an explanation, or if necessary, modify this provision to promote additional pollution reduction.

Subsection (d)(3)(ii) allows DEP to establish other threshold requirements to protect the Chesapeake Bay. Will these other requirements be promulgated as regulations? If not, how will generators know what these requirements are? We note that requirements that are not contained in law or a promulgated regulation are not enforceable by the Board or DEP. Similar concerns apply to Subsections (d)(5) and (e)(3)(v).

What is the appeals process for someone under Subsection (d)(6)? It should be cross-referenced or set forth in the final-form regulation.

*Subsection (e) Certification requirements for the Chesapeake Bay.*

Subsection (e)(2)(i)(D) states the “implementation of the pollutant reduction activity must be verified to the extent acceptable to the Department. . . .” What is “the extent acceptable” to DEP? There is a reference to Paragraph (4) and the “verification plan” but it is unclear how the “extent acceptable” is identified. Also, Paragraph (2)(i)(D) appears to be unnecessary since verification is covered in Paragraph (4).

Subsection (e)(3)(vi) sets forth the level at which the sum of all credits may not exceed. It then contains the phrase “. . . unless otherwise revised by the Department.” Will this be done via regulation? If not, how will generators know what the new levels are? We note that requirements not contained in law or promulgated regulations cannot be enforced.

*Subsection (f) Registration requirements for the Chesapeake Bay.*

In Subsection (f)(2)(ii), what are “basic contract elements”? This term should be defined. Is there a basic model contract or list of basic contract contents for which DEP will be establishing? If so, it should be set forth in the final-form regulation.

*Subsection (g) Use of credits and offsets to meet NPDES permit requirements related to the Chesapeake Bay.*

Paragraph (5) begins with this sentence: “Permittees are responsible for enforcing the terms of their credit and offset contracts, when needed to ensure compliance with their permit.” The expectations of this sentence are unclear. What enforcement tools will be available to permittees? In addition, PMAA expressed serious reservations about this paragraph and indicated that it may significantly reduce involvement in the trading program. The Board should explain its intent, and avoid language that will unnecessarily deter entry into the trading market.

*Miscellaneous Clarity*

Provisions in the proposed regulation include general references to other laws and regulations. Examples of these provisions include:

- Subsection (a), definition of “baseline,” Paragraph (i);
- Subsections (b)(5) and (6);
- Subsections (d)(4)(i) and (ii); and
- Subsections (h)(1) and (4).

Our concern with such general references is exemplified by Subparagraph (i) in the definition of “baseline” which includes this phrase “. . . which must be implemented to meet current environmental laws and regulations related to the pollutant for which credits or offsets are generated.” Subsection (a) also defines “pollutant” as “nutrients and sediment,” and “nutrients” are defined as “nitrogen and phosphorus.” Therefore, there should be specific citations to the laws and regulations related to three specific pollutants. All general references to other applicable laws and regulations should be replaced with specific citations in the final-form regulation.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-744. Filed for public inspection April 23, 2010, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are rescheduled 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](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-419	Environmental Quality Board Control of NOx Emissions from Cement Kilns	4/12/10	5/13/10
7-420	Environmental Quality Board Control of NOx Emissions from Glass Melting Furnaces	4/12/10	5/13/10
16-50	Department of State Biennial Filing Fee	4/13/10	6/3/10

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
19-12	Department of Corrections Inmate Correspondence	4/7/10	5/13/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-745. Filed for public inspection April 23, 2010, 9:00 a.m.]



# INSURANCE DEPARTMENT

## Application for the Merger of Westchester Fire Insurance Company with and into Ace Indemnity Insurance Company

An application has been received requesting approval of the merger of Westchester Fire Insurance Company, a stock fire insurance company organized under the laws of the State of New York, with and into ACE Indemnity Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413); Business Corporation Law (15 Pa.C.S. §§ 1921—1932); and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-746. Filed for public inspection April 23, 2010, 9:00 a.m.]

## Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by South Western Alpha Housing and Health Care, Inc.

South Western Alpha Housing and Health Care, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Avalon Springs Nursing Center in Mercer, PA. The initial filing was received on April 13, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (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. 10-747. Filed for public inspection April 23, 2010, 9:00 a.m.]

## Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

### Export List

#### Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

#### Aviation

- Fixed Base Operations
- Bridge and Tunnel Contractors (liability only)
- Chemical Spray and/or Drift
- Crane and Rigging Contractors (liability and physical damage only)
- Crop Dusters (aircraft liability and aircraft hull coverage only)
- Day Care Centers Liability, including Sexual Abuse Coverage
- Demolition Contractors Liability
- Firework Sales/Manufacturing
- Flood Insurance not provided under Federal Flood Insurance
- Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
- Guides and Outfitters (liability only)
- Hazardous Waste Haulers (excess auto liability and auto physical damage only)
- Hazardous Waste Storage and Disposal (liability only)
- Hunting Clubs
- Kidnapping, Ransom and Extortion Insurance
- Liquor Liability (monoline)
- Medical Malpractice Liability with or without related General Liability Coverages
- Nursing Home Liability with or without other Affiliated Elder Care Services

Products Liability (monoline) for the Manufacturing of:

- Aircraft and Component Parts
- Automotive and Component Parts
- Farm and Industrial Equipment
- Firearms
- Medical Equipment
- Petrochemicals
- Pharmaceuticals

Products Recall (monoline) for the Manufacturing of:

- Aircraft and Component Parts
- Automotive and Component Parts
- Farm and Industrial Equipment
- Firearms
- Medical Equipment
- Petrochemicals
- Pharmaceuticals

Railroad, including Consultants, Contractors and Suppliers

Real-Estate Environmental Impairment Coverage

Security/Detective/Patrol Agencies  
Taxicab Liability  
Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 39 Pa.B. 2511 (May 16, 2009), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-748. Filed for public inspection April 23, 2010, 9:00 a.m.]

### McQuiston Oil; Hearing

#### Appeal of McQuiston Oil under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2006-0130(S); Doc. No. UT10-04-003

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on May 27, 2010, at 10 a.m. A hearing shall occur on June 10, 2010, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before May 14, 2010. Answers to petitions to intervene, if any, shall be filed on or before May 26, 2010.

On or before May 14, 2010, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for the party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-749. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Bryon and Peggy Grim; file no. 10-183-85511; Westfield Insurance Company; Doc. No. P10-04-006; May 26, 2010, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-750. Filed for public inspection April 23, 2010, 9:00 a.m.]

# PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

## Hearing Scheduled

A hearing has been scheduled, as authorized by 53 Pa.C.S. §§ 881.101—888.413 (relating to Pennsylvania Municipal Retirement Board), in connection with the Pennsylvania Municipal Retirement Board's (Board) denial of Claimant's requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102

June 24, 2010                      Edward Kachmarek                      10 a.m.  
(Disability)

Persons with a disability, who wish to attend the previously-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Board 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 16 Pa. Code § 91.1, (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.

JAMES B. ALLEN,  
Secretary

[Pa.B. Doc. No. 10-751. Filed for public inspection April 23, 2010, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## 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 May 10, 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-2010-2168965. Nancy Carroll Keener, t/a Keener Transportation** (4259 Delta Road, Airville, York County, PA 17032)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in York County, to points in Pennsylvania, and return.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2010-2168756. Cranberry Taxi, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046), a corporation of the Commonwealth—amendment to its common carrier certificate which grants the right inter alia to transport persons, by motor vehicle upon call or demand in the County of Butler; *So As To Permit*: persons upon call or demand in the County of Allegheny.

**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 by transfer of rights as described under the application.**

**A-2010-2165814. Jack Trieir, Inc.** (140 Marble Drive, Lancaster, Lancaster County, PA 17601)—household goods in use, from points in the City of Lebanon, Lebanon County, and within 10 miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa, which is to be a transfer of all rights authorized under the certificate issued at A-00097607, F.1, Am-A to T. H. Heilig, Inc., subject to the same rights and conditions.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2010-2168969. Robert L. Coon, t/a Robert L. Coon Taxi** (9018 Route 949, Sigel, Jefferson County, PA 15860)—discontinuance of service and cancellation of its certificate—persons, upon call or demand, in the City of Brooksville, Jefferson County, and 20 airline miles from the borders of said city. *Attorney*: John C. Dennison, II, 293 Main Street, Brookville, PA 15825.

**A-2010-2169697. Empire International, LTD.** (225 Meadowlands Parkway, Secaucus, Hudson County, NJ 07094)—for the discontinuance of service and cancellation of its certificate as a common carrier, persons in limousine service, between points in the Counties of Bucks, Chester, Delaware, Montgomery, and the City and County of Philadelphia, and from points in said City and Counties, to points in Pennsylvania, and return.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 10-752. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Telecommunications

**A-2010-2170011. Windstream Pennsylvania, LLC and IDT America, Corp.** Joint petition of Windstream Pennsylvania, LLC and IDT America, Corp. for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC and IDT America, Corp., by its counsel, filed on April 9, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Windstream Pennsylvania, LLC and IDT America, Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-753. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Telecommunications Services

**A-2010-2169862; A-2010-2169878; A-2010-2169880; and A-2010-2169883. Blue Ridge Digital Phone Company.** Application of Blue Ridge Digital Phone Company for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of: Windstream D&E, Inc., Frontier Communications Pennsylvania, LLC, North Penn Telephone Company and The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink.

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 May 10, 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:* Blue Ridge Digital Phone Company

*Through and By Counsel:* Pamela C. Polacek, Esq., McNees Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108, (717) 232-8000, fax (717) 237-5300

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-754. Filed for public inspection April 23, 2010, 9:00 a.m.]

### Water Service

**A-2010-2169734 and A-2010-2169738. Pennsylvania American Water Company and Birch Acres Waterworks, Inc.** Joint application of Pennsylvania American Water Company (PAWC) and Birch Acres Waterworks, Inc. (Birch Acres) for approval of: 1) the transfer, by sale, of the water works property and rights of the Birch Acres Waterworks, Inc. to PAWC; 2) the commencement by PAWC of water service to the public in portions of Smithfield Township, Monroe County, presently being served by the Birch Acres Waterworks, Inc; 3) the right of PAWC to record the expenses incidental to the acquisition consistent with the Uniform System of Accounts for Class A Water Utilities, National Association of Regulatory Utility Commissioners; and 4) the abandonment by Birch Acres Waterworks, Inc. of all water service to the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 10, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company  
Birch Acres Waterworks, Inc.

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-755. Filed for public inspection April 23, 2010, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30

days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Skull Hill Dairy 1056 Rake Road Mohrsville, PA 19541	Berks County Center Township	146.4	Layers	New	Approved
F & M Farms, LLC Jacobsburg Road Wind Gap, PA 18091	Northampton County Bushkill Township	240	Horse	New	Approved
Brian Ford 1740 Noss Road Honeygrove, PA 17035	Juniata County Tuscarora Township	119.3	Layers	New	Approved
Round Hill Dairy 6105 Carlisle Pike East Berlin, PA 17316	Adams County Reading Township	0—manure storage only	Dairy	New	Approved

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-756. Filed for public inspection April 23, 2010, 9:00 a.m.]

